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From: McGonagle, Kevin
Sent: Thur 3/2/2017 8:58:00 PM
Subject: RE: OPA Clips 3/2/17

Below: InsideEPA, Morning Consult, New York Times, CBS News Chicago, American Ag Radio Network, Washington Examiner, The New Republic, Washington Post, E&E News (2), The Daily Caller, Agri-Pulse, Politico, CNN, The Hill, Bloomberg BNA (4), Reuters, Washington Post, E&E News (2), Politico (2), Breitbart, Huffington Post (3/1)

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InsideEPA

<https://insideepa.com/daily-news/pruitt-enlists-mayors-bolster-budget-defense-priority-epa-programs>

Pruitt Enlists Mayors To Bolster Budget Defense for Priority EPA Programs

By Abby Smith 3/2/17

EPA Administrator Scott Pruitt is asking the nation's mayors to provide him with “success stories” that would help bolster his efforts to protect his priorities -- including water infrastructure funds, Superfund cleanups, brownfields redevelopment and attainment of air quality standards -- from White House plans to slash the agency's budget.

“I want to be able to share those [success stories] with the White House. I want to be able to share that the investment in that brownfields program needs to be enhanced and strengthened because it literally goes to job creation, benefit to the community and environmental benefits, as well,” Pruitt told mayors gathered in Washington, D.C., for the U.S. Conference of Mayors winter leadership meeting March 2.

His call to the mayors to provide examples of successful EPA spending appears intended to bolster his efforts to defend programs that he plans to prioritize, given his recent complaints that

his short time in office -- his first full day on the job was Feb. 21 -- and the limited time the White House Office of Management & Budget (OMB) provided agencies to respond to its proposals was already hampering his efforts.

“What's difficult having only been there a week, is to have these kinds of recommendations made and then look at our priorities and say, 'You know what, we've got to make sure that we look at these programs,’” Pruitt told E&E News earlier this week.

“What's important for us is to educate OMB on what the priorities of the agency are, from water infrastructure to Superfund, providing some of those tangible benefits to our citizens, while at the same time making sure that we reallocate, re-prioritize in our agency to do regulatory reform to get back within the bounds of Congress.”

Pruitt's remarks to the mayors came one day after reports that the Trump White House plans to propose an almost 25 percent cut to the agency's budget in fiscal year 2018, including a 20 percent cut to the agency's workforce and a 30 percent cut to grants, including popular state grants. Several of those grant programs are also proposed for elimination, including brownfields and diesel emissions grants, as well as funds for implementing the Clean Power Plan.

The cuts were detailed in a note from the National Association of Clean Air Agencies (NACAA), a group that represents state and local air regulators, to its members providing details of the “pass back” EPA received from OMB earlier this week that launched internal talks on the agency's budget.

According to the NACAA note, agencies, including EPA, had one day to appeal pass back recommendations.

Since the details of the plan emerged, Pruitt has indicated that the White House plan is still preliminary and subject to negotiation with both OMB and Congress, even as he has emphasized that he plans to protect his priorities.

But the expected EPA budget cuts have drawn significant concern from state officials, who fear it would curtail federal funds they receive to implement core programs even as Pruitt has promised to provide them with sufficient resources as they work to take on greater responsibility implementing federal requirements.

A group of state officials in a March 1 letter called for the administration to increase state and tribal assistance grants (STAG), categorical grants that states and tribes use to support day-to-day implementation of federal environmental laws.

State Grants

But an EPA official says Pruitt and other officials still have work to do to address concerns that OMB's proposed budget plan seeks to cut categorical grants that states view as essential to their continued ability to implement core federal air and water programs.

“That is the topic that we're going to have to get into and is being discussed inside the EPA right now internally, how we work on air grants,” the official told reporters after Pruitt's remarks.

The official noted that in Pruitt's address to the mayors, he had prioritized attainment of federal air and water quality standards, acknowledging that states will need EPA grants if that is to happen. Pruitt “talked about attainment, and attainment's important because obviously the grants, including water grants in some cases, are linked to whether or not places, cities, municipalities, states have achieved attainment. So the two go hand-in-hand.” Attaining air quality standards is also mandated by Congress.

In his remarks to the mayors, Pruitt reiterated his earlier comments that he planned to aggressively defend his priorities. “I want you to know that with the White House and also with Congress, I came to convey a message that the brownfields program, the Superfund program, the water infrastructure [like] the [Water Infrastructure Finance and Innovation Act] grants [and] state revolving funds are essential to protect,” he said.

And he suggested that state and local officials across the country could provide a host of “success stories” about how EPA funds have helped improve water infrastructure. “States across the country, cities and towns across the country, have relied upon those grants for a long, long time to improve water infrastructure,” he said.

Pruitt also emphasized that water infrastructure could benefit from the broader infrastructure package the Trump administration is developing, adding that he was asked by President Donald Trump to be part of an administration-wide infrastructure team.

He told the mayors he and members of the agency had prepared recommendations about how to “include water infrastructure in the discussion with roads and bridges,” and he would be presenting them during an afternoon meeting at the White House March 2.

A group of Mississippi River mayors is also urging the Trump White House and Congress to bolster water infrastructure funds, possibly as part of an upcoming infrastructure plan.

'Pleasantly Surprised'

Pruitt's remarks were generally well-received by the mayors, who applauded his comments committing to support the Superfund and brownfields programs and to take water infrastructure recommendations to the White House.

“I think a lot of the mayors were pleasantly surprised at his commitment to brownfields and water infrastructure,” said Mayor James Brainard of Carmel, IN, on the sidelines of the meeting.

Brainard -- a Republican who has championed climate action -- told reporters that he was “pleased” to hear Pruitt say he needed mayors' help “to show examples to people to . . . 'enhance' brownfields funding.” But he also said he believes Pruitt should defend many of the climate and environmental justice programs that are slated to be cut under Trump's budget proposal.

“I was encouraged to hear that he has picked some” priorities, Brainard said of Pruitt. “He has priorities, and he's at least focused on those, and we'll certainly help him with those, and hopefully have a discussion about the others.”

Brainard suggested that beyond bringing Pruitt examples of “success stories” related to Superfund and brownfields programs, local leaders can also tout their achievements on climate and clean energy.

He said he wants to share those examples with Pruitt, noting that Carmel is an 80 percent Republican city that voted for Trump, “and yet I have four pages of environmental initiatives” and the city council passed a resolution last week setting a goal of carbon neutrality by 2050.

“I think the administration needs to see that,” Brainard said, adding later that mayors and other leaders have to “continue to persuade, use examples and look for alternative paths to get to carbon reductions other than talking about climate science.”

Morning Consult

<https://morningconsult.com/2017/03/02/pruitt-prioritize-state-environmental-programs-budget/>

Pruitt to Prioritize State Environmental Programs in Budget

By Jack Fitzpatrick 3/2/17

Environmental Protection Agency Administrator Scott Pruitt said he would emphasize the importance of water infrastructure and environmental clean-up grant and loan programs as the White House prepares a slimmed-down budget for the agency.

His comments appear to confirm reports that the Trump administration would seek to cut more funds from EPA programs administered at the federal level, including climate programs, while continuing to support grant and loan programs administered by state and tribal governments.

Pruitt also said he would meet with White House officials Thursday afternoon to talk about environmental projects that could go in an eventual infrastructure bill, saying he would promote funding for water infrastructure.

“I want you to know that with the White House and also with Congress, I am communicating a message that the Brownfields program, the Superfund program, water infrastructure, WIFIA [Water Infrastructure Finance and Innovation Act] grants, [and] state revolving funds are essential to protect,” Pruitt said at a press conference at the U.S. Conference of Mayors Thursday morning.

The agency’s Superfund program uses a trust fund to support major hazardous waste clean-up projects, while the other programs Pruitt mentioned send grants to state governments. The

Brownfields program offers grants to improve properties that are underutilized because of real or perceived contamination. The WIFIA program and state revolving funds provide loans for water infrastructure.

Pruitt said the budget discussion is “just starting” and that he knew there were “some concerns about these grant programs that EPA has been a part of historically.”

E&E News reported Monday that the White House is pushing for a 24 percent cut to the EPA’s budget.

Myron Ebell, who led the EPA’s transition team, said Monday that 24 percent “sounds a little steep.” But regardless of the size of the budget cuts, President Donald Trump wants to preserve “pass-through” grants to states, which make up nearly half the agency’s budget, Ebell said in an interview. Preserving state programs while cutting nearly a quarter of the overall budget would equate to slashing nearly half of the money for the EPA’s own activities.

To accomplish such drastic cuts, EPA would have to “cut some regional offices,” cut “all grants to environmental groups for environmental education and other purposes,” and “pretty much zero out the climate programs, which Trump is in favor of anyway,” Ebell said.

New York Times

https://www.nytimes.com/2017/03/02/us/politics/climate-change-trump.html?_r=0

Top Trump Advisers Are Split on Paris Agreement on Climate Change

By Coral Davenport 3/2/17

WASHINGTON — The White House is fiercely divided over President Trump’s campaign promise to “cancel” the Paris agreement, the 2015 accord that binds nearly every country to curb global warming, with more moderate voices maintaining that he should stick with the agreement despite his campaign pledge.

Stephen K. Bannon, Mr. Trump’s senior adviser, is pressing the president to officially pull the United States from the landmark accord, but he is clashing with Secretary of State Rex Tillerson and the president’s daughter Ivanka Trump, who fear the move could have broad and damaging diplomatic ramifications.

Mr. Trump vowed on the campaign trail to tear up President Barack Obama’s global warming policies, and on the home front he is moving aggressively to meet those pledges with deep cuts to the Environmental Protection Agency and a new E.P.A. administrator, Scott Pruitt, who is a skeptic of climate science.

Next week, Mr. Trump plans to sign an executive order directing Mr. Pruitt to start the lengthy

legal process of unwinding Mr. Obama's E.P.A. regulations for cutting greenhouse pollution from coal-fired power plants. Those regulations are the linchpin of the last administration's program to meet the nation's obligations to reduce climate emissions under the Paris agreement.

While the president cannot, as Mr. Trump suggested, unilaterally undo a 194-nation accord that has already been legally ratified, he could initiate the four-year process to withdraw the world's largest economy and second-largest climate polluter from the first worldwide deal to tackle global warming. Such a move would rend a global deal that has been hailed as historic, throwing into question the fate of global climate policy and, diplomats say, the credibility of the United States.

But it would also demonstrate to his supporters that Mr. Trump is a man of his word, putting American coal interests ahead of a global deal forged by Mr. Obama.

On one side of that debate is Mr. Bannon, who as a former chief executive of Breitbart News published countless articles denouncing climate change as a hoax, and who has vowed to push Mr. Trump to transform all his major campaign promises into policy actions.

On the other side are Ms. Trump, Mr. Tillerson, and a slew of foreign policy advisers and career diplomats who argue that the fallout of withdrawing from the accord could be severe, undercutting the United States' credibility on other foreign policy issues and damaging relations with key allies.

Although Ms. Trump has not spoken out publicly for action to combat climate change, proponents and opponents of such action see her as an ally. Former Vice President Al Gore met with her during the Trump transition, and was ushered in by the "first daughter" to see the president-elect. The actor and activist Leonardo DiCaprio even slipped her a DVD copy of his climate-change documentary.

"President Trump Must Not Wobble on Climate Change — No Matter What Ivanka Says ...," blared a Breitbart post on Monday written by James Delingpole, who is close to Mr. Bannon and who leads the website's coverage of climate-change policy.

Mr. Trump wants to make a decision by next week, say people familiar with the White House's debate on the climate pact, in order to announce his executive order to undo Mr. Obama's climate regulations in conjunction with his plans for the Paris deal.

According to leaked budget documents, the president will also propose killing off nearly two dozen E.P.A. programs, including the Obama-era Clean Power Program, climate partnership programs with local governments, Energy Star grants to encourage efficiency research in consumer products and climate-change research. Those would be part of a broader budget submission that would cut the E.P.A.'s funding by 25 percent, to around \$6.1 billion from \$8.2 billion, and its staff by 20 percent.

"If the goal is to fulfill the president's campaign promises and implement his agenda, there is no value in staying in Paris," said Thomas J. Pyle, an adviser to the Trump transition and the

president of the Institute for Energy Research, an organization partly funded by the billionaire brothers Charles G. and David H. Koch, who have worked for years to undermine climate-change policies.

Mr. Trump has cited Mr. Pyle's group as being influential in shaping his energy and climate proposals, including his campaign pledge to withdraw from the Paris deal.

"The two greatest obstacles to a Clexit (climate exit from U.N. Paris agreement) are probably Ivanka and Tillerson," wrote Marc Morano, a former Republican Senate staff member who now runs Climate Depot, a fossil-fuel-industry-funded website that promotes the denial of climate science, in an email. "Tillerson with his 'seat at the table' views could be biggest proponent of not withdrawing the U.S. from the agreement."

Mr. Tillerson is a former chief executive of Exxon Mobil, which, like many major global corporations, endorsed the Paris agreement. While his former company once denied human-caused climate change, it has more recently publicly acknowledged the threat posed by burning oil and supported proposals to tax carbon dioxide pollution.

Asked during his Senate confirmation hearing about the Paris accord, Mr. Tillerson said, "It's important that the U.S. maintains its seat at the table about how to address the threat of climate change, which does require a global response."

Under the Paris agreement, every nation has formally submitted plans detailing how it expects to lower its planet-warming pollution. The Obama administration pledged that the United States would reduce its carbon pollution about 26 percent from 2005 levels by 2025. However, that pledge depends on enactment of Mr. Obama's E.P.A. regulations on coal-fired power plants, which Mr. Trump and Mr. Pruitt intend to substantially weaken or eliminate.

But under the Paris deal, those numerical targets are not legally binding, and there are no sanctions for failing to meet them. The only legal requirements of the deal are that countries publicly put forth their emissions reductions targets, and later put forth reports verifying how they are meeting the targets. It would be possible for the Trump administration to stay in the deal and submit a less ambitious target.

Even senior Republican voices in the foreign policy debate have said it may be wiser to stay in but keep a low profile.

"There's really no obligation," Senator Bob Corker, Republican of Tennessee and chairman of the Foreign Relations Committee, said in an interview. "It doesn't require us to do anything. I think they may take a little time to assess whether pulling out makes sense now."

Foreign policy experts say withdrawing from Paris would have far greater diplomatic consequences than President George W. Bush's withdrawal from the world's first global climate-change accord, the 1997 Kyoto Protocol.

"I think it would be a major mistake, even a historic mistake, to disavow the Paris deal," said R.

Nicholas Burns, a retired career diplomat and under secretary of state under Mr. Bush.

“In international politics, trust, reliability and keeping your commitments — that’s a big part of how other countries view our country,” Mr. Burns said. “I can’t think of an issue, except perhaps NATO, where if the U.S. simply walks away, it would have such a major negative impact on how we are seen.”

The Paris deal is more consequential than Kyoto. Unlike that pact, which required action only from developed economies, the Paris agreement includes commitments from every nation, rich and poor, to cut emissions, including China and India, the world’s largest and third-largest polluters. Also, the science of climate change has become far more certain and the impact more visible in the 20 years since Kyoto. Each of the last three years has surpassed the previous one as the hottest on record.

Some of the United States’ closest allies are urging the Trump administration not to pull out. In a letter to Mr. Trump after he won the election, Chancellor Angela Merkel of Germany wrote, “Partnership with the United States is and will remain a keystone of German foreign policy, especially so that we can tackle the great challenges of our time.” They include, she wrote, “working to develop farsighted climate policy.”

As Mr. Trump and his advisers weigh their Paris options, one proposal is gaining traction, according to participants in the debate: Mr. Trump could declare that the Paris agreement is a treaty that requires ratification by the Senate. The pact was designed not to have the legal force of a treaty specifically so that it would not have to go before the United States Senate, which would have assuredly failed to ratify it.

“If there are camps forming in the White House, then let the people decide, the elected representatives,” Mr. Pyle said. “Let’s put the question to them.”

Proponents of that idea say it could shift some of the weight of the decision from Mr. Trump to Senator Mitch McConnell of Kentucky, the majority leader, at least in the eyes of some foreign diplomats, and of the president’s daughter.

CBS News Chicago

<http://chicago.cbslocal.com/2017/03/02/epa-employees-protest-trump-administrations-proposed-budget-cuts/>

EPA Employees Protest Trump Administration’s Proposed Budget Cuts

3/2/17 2:22 PM

CHICAGO (CBS) — A few dozen Chicago-based employees of the Environmental Protection Agency demonstrated Thursday afternoon at Federal Plaza, upset over proposed budget cuts by

the Trump administration.

President Trump was the target of the EPA employee protest. WBBM's Steve Miller reports.

EPA Attorney Nicole Cantello, who's also a union leader, said the administration's proposed budget would prevent EPA from responding properly to a scenario like East Chicago – where a cleanup is going on after high lead levels were found.

“EPA – this region – responded with 30 to 60 people that worked full-time on that site for a certain amount of time. If you take a 25 percent cut of the people in this region, we won't be able to respond like that.”

Supporting the EPA workers: some Chicago Alderman, like Raymond Lopez of the 15th Ward on the South Side – who worked President Trump into his remarks.

“We're not going backwards. He can go back.”

Rally organizers urged EPA employees to write their representatives and oppose any budget cuts.

American Ag Radio Network

<http://americanagnetwork.com/2017/03/epa-proposed-revocation-of-chlorpyrifos-threatens-growers-livelihoods/>

EPA Proposed Revocation of Chlorpyrifos Threatens Growers' Livelihoods

By Rusty Halvorson 3/1/17

In the months since the U.S. Environmental Protection Agency announced a proposal to revoke U.S. food tolerances for chlorpyrifos, growers, university Extension specialists and scientists have united to voice overwhelming support of the widely used insecticide. Since first registered in the United States in 1965, chlorpyrifos has played an important role in pest management efforts worldwide.

With the official EPA comment period concluding Jan. 17, 2017, and a final EPA decision forthcoming very soon, the future of chlorpyrifos – chemistry that is registered in nearly 100 countries for use on more than 50 different crops – hangs in the balance.

“For more than half a century, growers around the globe have relied on chlorpyrifos because of its outstanding control and low cost, and its role as an important tool in Integrated Pest Management programs,” says Phil Jost, portfolio marketing leader, U.S. crop protection insecticides for Dow AgroSciences. “Without chlorpyrifos to control many yield- and profit-robbing pests, growers face limited or, in some cases, no viable alternatives.”

Dow AgroSciences is concerned about the far-reaching impact of EPA's proposal to revoke U.S. food tolerances for the insecticide. The company is specifically concerned that EPA's assessment of the chemistry lacks scientific rigor and that establishing food tolerance levels based on a nonreplicable epidemiology study sets an untenable precedent for current and future registrations.

EPA's own Scientific Advisory Panel, along with the U.S. Department of Agriculture and other experts, have voiced concern that EPA has attempted to regulate chlorpyrifos based on a single unreplicated and unvalidated epidemiology study. In contrast, however, an extensive database of reliable and well-replicated data — developed based on sound scientific standards for chlorpyrifos — demonstrates that authorized uses of chlorpyrifos provide wide margins of protection for human health and safety when used as directed.

For growers like **Allen Tucker, a sugarbeet producer from St. Thomas, North Dakota**, chlorpyrifos is critical to protecting his crops from devastating pests and his operation's sustainability. Tucker farms more than 4,000 acres — 700 dedicated to sugarbeets — and chairs the Sugarbeet Research and Education Board of Minnesota and North Dakota, an expert source of information on the sugarbeet industry.

"There are a limited number of products that can control sugarbeet root maggot effectively," Tucker says. "With chlorpyrifos as a tool, we can apply it as a rescue treatment, if necessary, later in the growing season. Chlorpyrifos is our last line of defense against sugarbeet root maggot outbreaks. My farming operation would suffer greatly if this invaluable tool were to be taken off the market."

John Weinand, a diversified grower from west-central North Dakota, echoes Tucker's sentiment. Weinand grows dry pea, winter and durum wheat, corn, sunflowers, barley and canola, and relies heavily on chlorpyrifos. He is also a member of the National Association of Wheat Growers' Environmental and Renewable Resources Committee.

"We rely heavily on chlorpyrifos to control orange blossom wheat midge," Weinand says. "We turn to the expertise of our land grant university researchers for many agronomic practices and chlorpyrifos is their recommended 'treatment of choice' for midge. After using it, we nearly doubled our yield where there was a treatable infestation."

"Anytime you take tools out of the toolbox and throw them away, it's a loss for our operation," Weinand says. "The recommendation we get from our university is based on solid science. It's not random, and we feel EPA needs to understand that."

Tucker says that without chlorpyrifos as an effective pest control tool, he would be forced to use other, less effective insecticides far more aggressively to keep sugarbeet root maggot pest outbreaks at bay.

"We would have to apply other insecticides before knowing the severity of an outbreak," Tucker says. "The net result would likely be an increased application of insecticide active ingredients at a greater cost. From an environmental standpoint, it benefits no one if we have to apply extra

active ingredients of alternative insecticides to overcome insect pressure.”

“We remain optimistic that once EPA considers all of the scientific evidence and grower concerns, this product will continue to be available,” says Jost. “The decision carries huge implications, not only for food production and grower livelihoods, but just as importantly, for environmental sustainability, efforts to manage insect resistance and grower IPM programs.”

Washington Examiner

<http://www.washingtonexaminer.com/pruitt-looks-to-save-key-epa-grant-programs/article/2616268>

Pruitt looks to save key EPA grant programs

By John Siciliano 3/2/17 1:18 PM

Environment Protection Agency chief Scott Pruitt said Thursday he is trying to save the agency's grant programs from being slashed as the EPA braces for major cuts under President Trump's budget proposal.

Pruitt discussed his budget priorities for the agency at an annual conference of mayors Thursday in Washington. State and local governments rely on many of the grant programs he supports to improve water infrastructure and fund cleanups of waste that can lead to economic revitalization.

"I want you to know that with the White House and also with Congress, I am communicating a message that the brownfields program, the Superfund program, water infrastructure ... are essential to protect," Pruitt said. He added that the budget discussions are "just starting" in Congress, but there are already "some concerns about some of these grant programs that EPA has been a part of, historically," Pruitt said.

Pruitt's reassuring comments to local leaders come as the Trump administration is reportedly looking to slash EPA's budget by at least 25 percent. The main target of the Trump administration's cuts appears to be its climate change programs, but it is not clear how far the budget cuts would go.

Myron Ebell, the former head of Trump's EPA transition team, told the Washington Examiner in recent weeks that the grant programs likely would be spared in the budget because of how they will factor into Trump's infrastructure plan.

Trump "promised to undo all of Obama's climate agenda, including the greenhouse gas emissions rules for power plants; the [Waters of the U.S. rule]; and other job-killing rules," Ebell said in an email. "On the other hand, he supports the pass-through grants to the states for water and other environmental infrastructure projects."

The grants make up about half of the EPA's \$8 billion budget, Ebell said. "So I expect this funding to survive or even increase as significant budget cuts are made at the federal level."

Pruitt said Thursday that he supports EPA's many clean-up programs such as the Superfund and the brownfields, which are geared to revitalizing abandoned industrial sites.

"I want to be able to share that the investment with the brownfields program needs to be enhanced and strengthened because it truly goes to job creation, benefits to the community and environmental benefits, as well," Pruitt told the mayors.

Trump is reportedly planning to cut EPA's \$8 billion budget by \$2 billion, which has EPA employees bracing for layoffs. Trump is expected to issue an executive order next week to scuttle EPA's Clean Power Plan, the centerpiece of former President Barack Obama's climate change agenda.

Trump is also expected to issue a separate order ending Obama's moratorium on coal leases at the Interior Department, now that Interior Secretary Ryan Zinke has been confirmed.

The New Republic

<https://newrepublic.com/minutes/141066/scott-pruitt-like-relax-epa-cuts>

Scott Pruitt would like you to relax about the EPA cuts.

By Emily Atkin 3/2/17

In the wake of news that President Donald Trump's budget slashes the Environmental Protection Agency by 25 percent, the department's new administrator called for calm and insisted he's not totally on board with the administration's plan. "Civility in our discourse is really, really important," Pruitt, who is wrongly skeptical of man-made climate change and frequently sued the EPA as Oklahoma's attorney general, said at a U.S. Conference of Mayors event in D.C. on Thursday. He implored those around him to "lean on these issues with some level of civility."

Pruitt said he opposes some of Trump's ideas for his agency—specifically Trump's idea to cut a number of popular grant programs for states. Pruitt said he'd like to preserve Brownfields grants, which help states clean up and reuse highly polluted industrial sites. He also cited federal grant programs that rebuild aging drinking water infrastructure, like the \$100 million EPA grant that Flint, Michigan, received last year to improve its corroded pipes. "I want you to know that with the White House and also with Congress, I am communicating a message that the Brownfields Program, the Superfund program, water infrastructure ... are essential to protect," Pruitt said.

Afterward, an EPA spokesperson declined to say if Pruitt opposed any other parts of Trump's reported slash-and-burn budget for the EPA, such as eliminating the Office of Environmental Justice, reducing the workforce from 15,000 to about 12,000, and zeroing out funds for climate

change initiatives and native Alaskan villages.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2017/03/02/heres-one-part-of-epa-that-the-agencys-new-leader-wants-to-protect/?utm_term=.f38c792a65b8

Here's one part of the EPA that the agency's new leader wants to protect

By Brady Dennis 3/2/17 12:37 PM

In case there was any question whether President Trump's administration has put a bull's eye on the Environmental Protection Agency, the White House's proposed budget cuts at the agency leave little doubt. Plans reviewed by The Washington Post this week outline a wish list for cutting the agency's staff by one-fifth and eliminating dozens of programs entirely.

But Thursday morning, new EPA Administrator Scott Pruitt — himself a longtime agency critic who has made clear he intends to scale back the EPA's reach — told a group of mayors from around the country that he intends to defend at least some pieces of the EPA.

"Superfund is an area that is absolutely essential," Pruitt told a gathering of the U.S. Conference of Mayors at the Capital Hilton. "The brownfields program, as well."

EPA's Superfund program, which has been around since 1980, is responsible for managing the cleanup of some of the country's most contaminated hazardous waste sites, as well as responding to significant environmental emergencies. There are more than 1,300 Superfund sites around the country, and most past cleanups have been paid for by the parties responsible for polluting. The brownfields program, which began in 1995, involves EPA grants for communities to help clean up and redevelop abandoned industrial sites.

The programs historically have been considered successes and are popular around the country among lawmakers and their constituents. The White House budget proposal this week, however, would shrink EPA grants to states by 30 percent and potentially cut the brownfields funding altogether.

"There's a brownfields in every congressional district," Chris Bollwage, the mayor of Elizabeth, N.J., told Pruitt on Thursday. "It's a program that's worked really well in my city and throughout the nation."

"It's a tremendous success," Pruitt agreed, urging the mayors to send him details of where the program has worked best. "I want to hear from you about those successes. I want to be able to share those with the White House. ... We need stories. We need illustrations about how important the brownfields program is to creating jobs and the environmental benefits that have been achieved."

Pruitt also said Thursday that he intends to advocate for water infrastructure funding as part of a broader infrastructure push by the Trump administration.

“We know when it goes wrong, it goes wrong badly,” Pruitt said, in an apparent reference to the Flint, Mich., water crisis. “We have a water infrastructure issue right now across this country. It’s not just roads and bridges.”

He said he planned to bring up the need for water infrastructure investment at a White House meeting Thursday afternoon.

Pruitt did not address the wave of other deep cuts proposed at the agency.

The White House’s initial proposal would reduce the agency’s staff by one-fifth in the first year — from 15,000 to 12,000 — and would slash the EPA’s budget from \$8.2 billion a year to \$6.1 billion. Grants to states, as well as the agency’s air and water programs, would be cut by nearly a third. The massive Chesapeake Bay cleanup project would receive only \$5 million in the next fiscal year, down from its current \$73 million. The agency’s Office of Research and Development could lose up to 42 percent of its budget. EPA’s environmental justice program could vanish. In total, 38 separate programs would be eliminated entirely.

Congress, of course, would have to approve any cuts, some of which are deeply unpopular among some lawmakers.

But there is little doubt about Trump’s disdain for much of the agency’s work. As a candidate, he vowed to eliminate the EPA “in almost every form,” leaving only “little tidbits” intact. As Oklahoma attorney general since 2010, Pruitt also has been a key EPA adversary, suing the agency more than a dozen times to challenge its legal authority to regulate such things as mercury pollution, smog and carbon emissions from power plants.

E&E News

<http://www.eenews.net/greenwire/2017/03/02/stories/1060050847>

Green success stories critical to budget battle — Pruitt

By Kevin Bogardus and Emily Holden 3/2/17

U.S. EPA Administrator Scott Pruitt pleaded with mayors this morning to share their environmental success stories with his agency.

The newly minted agency chief spoke to the U.S. Conference of Mayors in Washington, stressing that he wants to protect certain EPA programs from budget cuts proposed by President Trump. The White House blueprint would cut EPA's budget by nearly a quarter, or roughly \$2

billion, and lay off 3,000 employees, which would leave several agency initiatives in limbo.

In his talk with mayors, Pruitt cautioned that the budget process was just starting.

"There are some concerns about some of these grant programs that EPA has been a part of historically," Pruitt said. "I want you to know that with the White House and also with Congress, I'm communicating the message that the brownfields program, the Superfund program, water infrastructure ... state revolving funds are essential to protect."

The EPA administrator said mayors have success stories with those cleanup programs such as brownfields and Superfund. They should share those stories with his agency as budget talks commence.

"There are tremendous successes all over the country," Pruitt said. "I want to hear from you about those successes. I want to be able to share those with the White House."

Pruitt said those programs lead to job creation as well as benefits to the community and the environment.

The EPA chief also noted that he has been invited to be part of the president's team on infrastructure and will be heading to the White House this afternoon to discuss the issue.

"We have a water infrastructure issue right now for us in this country," Pruitt said. "I want to hear from you on your needs with respect to water infrastructure."

In his early days as agency head, Pruitt has talked up the importance of clean water and cleanup programs. Today, he also discussed working with mayors to take down air pollution, noting there are still several nonattainment areas in the country that do not meet national air quality standards.

"I look forward to partnering with you in the future," Pruitt said.

State agencies stand ready to work with Pruitt at EPA.

"Our members realize this is the beginning of the conversation for FY2018 budget, and will look to engage with U.S. EPA, Congress and the White House to highlight recent success stories and the need for cooperative approaches to core Clean Air Act responsibilities," said Clint Woods, executive director of the Association of Air Pollution Control Agencies, in a statement to E&E News.

Nevertheless, Trump's budget cuts proposed for EPA have been meeting pushback on Capitol Hill as well as from agency employees.

Sen. Tom Carper (D-Del.), ranking member on the Senate Environment and Public Works Committee, said earlier this week that the proposed budget cuts "will put people across this country at risk for illnesses or even premature death." In addition, EPA Region 5 employees, based in Chicago, were slated to protest this afternoon against the president's budget plan.

Some feel, however, that the Trump administration could change course, given the budget process has only just begun.

Jim Brainard, the Republican mayor of Carmel, Ind., and an outspoken supporter of fighting climate change, said he's "cautiously optimistic" that the president's views on climate change and environmental protection could change.

"Like so many things, the president started out, he hadn't been in government, he hadn't studied a lot of the issues," Brainard said. "We've seen him do 180s on several issues at this point."

He said he's hopeful because the president's daughter Ivanka and son-in-law, Jared Kushner, seem to support the environment. Brainard was also pleased that Pruitt asked for examples of the successful use of EPA funds to clean up brownfields.

"I haven't met a Republican or Democrat yet that wants to drink dirty water or breathe dirty air," Brainard said.

"I think we start to take into the equation the health cost of dirty air, the ozone issue that the administrator mentioned, there may be an opportunity to change minds at the White House."

Brainard said he thinks the administration is wrongfully looking to slash agency funds in order to reduce taxes and boost defense spending.

"I think they're looking to support this proposal, which may not have been well thought out, to cut taxes. They've got to look at every function of government and then combine that with the increase they want to give to the U.S. military," Brainard said. "I'm not sure the math works even in the best of cases."

E&E News

<http://www.eenews.net/greenwire/2017/03/02/stories/1060050820>

Wetlands scientists defend WOTUS with letter, brief

By Ariel Wittenberg 3/2/17

Seven scientific societies are speaking out against President Trump's executive order targeting the contentious Clean Water Rule.

Representing more than 200,000 members total, the Society of Wetland Scientists, Ecological Society of America, American Institute of Biological Scientists, American Fisheries Society, Society for Ecological Restoration, Society for Freshwater Science and Phycological Society of America wrote a letter arguing in favor of the regulation.

"As non-profit organizations, we support and foster sound science, education, restoration and management of wetlands and other aquatic resources," the letter says, adding that the regulation was written "using the best available science."

Finalized by the Obama administration in May 2015, the Clean Water Rule, also known as the Waters of the U.S. rule, or WOTUS, caught the ire of farmers, land developers and energy companies.

The law was stayed in a federal court following multiple legal challenges, including one brought by now-U.S. EPA Administrator Scott Pruitt when he was Oklahoma attorney general.

On Tuesday, President Trump signed an executive order directing EPA and the Army Corps of Engineers to review and possibly rescind or replace the regulation (E&E News PM, Feb. 28).

The letter from the societies accompanies an amicus brief they filed in the 6th U.S. Circuit Court of Appeals to support a brief filed by the Obama administration defending the regulation earlier this year. That case has been stayed pending a Supreme Court review of whether it has jurisdiction over the regulation (Greenwire, Jan. 13).

In their letter, the organizations describe the ecological importance of wetlands, which can remove otherwise harmful nutrient pollution from water, as well as the benefits wetlands provide to humans.

"They store water, and thus are a source of water during times of drought," the letter says. "Many wetlands soak up runoff and floodwaters, which reduces peak flood-flows and avoids costly flood damage."

The Daily Caller

<http://dailycaller.com/2017/03/02/trump-orders-epa-to-zero-out-global-warming-programs/>

Trump Orders EPA To 'Zero Out' Global Warming Programs

By Michael Bastasch 3/2/17 10:08 AM

The White House is pushing for significant cuts to EPA programs and staff levels, giving a glimpse of how the Trump administration plans on devolving more control to the states.

The budget plan sent from the Office of Management and Budget (OMB) to EPA leadership calls for eliminating dozens of programs, including at least 16 that have to do with global warming and implementing former President Barack Obama's climate agenda.

OMB also requested a 30 percent cut in grants to states and a 20 percent reduction in EPA's

workforce through buy-outs and layoffs. In total, President Donald Trump is calling for a roughly 25 percent cut to EPA's budget — about \$2 billion.

The cuts are laid out in a letter sent by William Becker, the executive director of the National Association of Clean Air Agencies (NACAA), to his group's member state and local regulators. Becker said NACAA received the "pass back" budget information sent from OMB to EPA Monday, according to InsideEPA.

Here are all the programs NACAA said OMB wants "zeroed out":

Alaska Native Villages Beach and Fish programs Brownfield projects

Clean Power Plan implementation

Climate Voluntary partnership programs < there are 14 separate ones

Diesel Emissions Reduction Act Endocrine grants Energy star grants

Environmental education Environmental justice

Geographical programs for lake [Champlain], L.I. Sound, S.F. Bay and South Florida

Global Change Research Mexico Border grants Multi-purpose grants

Office of Public Engagement Radon Star Research grants

Small minority businesses State indoor radon Targeted air shed grants

U.S. Mexico Border Water Sense

Democrats and environmentalists have opposed Trump's budget cuts, and EPA union leaders are hemming and hawing about cutting staffing levels. Even some Republicans aren't on board with cutting so much from EPA's budget.

"They are operating at 1989 staffing levels. So you really want to be sure you are not cutting the meat and muscle with the fat," Oklahoma Republican Rep. Tom Cole, who is on the House Committee on Appropriations, told Inside EPA.

"There's not that much in the EPA, for crying out loud," California Republican Rep. Mike Thompson told The Washington Post. Thompson formerly chaired the appropriations committee's subcommittee dealing with EPA.

What's unsurprising is Trump wants to get rid of more than a dozen global warming programs at EPA, including funding to implement the Clean Power Plan (CPP)

Trump promised to repeal Obama's "Climate Action Plan" — the CPP is the linchpin of the former president's climate agenda. The CPP limits carbon dioxide emissions from new and existing power plants.

EPA Administrator Scott Pruitt helped lead a coalition of 28 states to overturn the rule while he was attorney general of Oklahoma. Trump is preparing to sign an executive order to rescind the CPP, so it's not surprising they'd cut funding for its implementation.

WaPo reported EPA's "Office of Research and Development could lose up to 42 percent of its budget, according to an individual apprised of the administration's plans."

The budget plan "eliminates funding altogether for the office's 'contribution to the U.S. Global Change Research Program,'" according to WaPo.

One area of concern, however, is the reduction in state and tribal grants for infrastructure and environmental clean-up. The Environmental Council of the States (ECS) sent a letter to EPA and OMB urging them not to cut those programs.

ECS wrote that "cuts to [state and tribal] categorical grants, or to EPA programs operated by states, will have profound impacts on states' ability to implement the core environmental programs as expected by our citizens."

More than 90 percent of EPA programs are carried out by state environmental regulators. That's something that concerns Pruitt, who promised to push back against OMB and preserve grants to states.

"I am concerned about the grants that have been targeted, particularly around water infrastructure, and those very important state revolving funds," Pruitt told E&E News Tuesday.

"What's important for us is to educate OMB on what the priorities of the agency are, from water infrastructure to Superfund, providing some of those tangible benefits to our citizens," Pruitt said, "while at the same time making sure that we reallocate, re-prioritize in our agency to do regulatory reform to get back within the bounds of Congress."

Agri-Pulse

<https://www.agri-pulse.com/articles/8981-pruitt-epa-rewrite-will-limit-reach-of-wotus-rule>

Pruitt: EPA rewrite will limit reach of WOTUS rule

By Philip Brasher 3/1/17

WASHINGTON, March 1, 2017 - The EPA will write a new definition of "waters of the United

States” that is less expansive than the Obama administration’s rule that the agency is withdrawing, EPA Administrator Scott Pruitt said today in an exclusive Agri-Pulse interview.

Pruitt declined to estimate how long it would take for the agency to write a new WOTUS rule, which spells out what wetlands, streams, ditches and other land features are regulated by the Clean Water Act.

But the Trump administration is shifting away from using a legal approach followed by the Obama rule that appeared to extend the law’s jurisdiction to some wetlands and other areas that were not considered regulated before.

The Obama rule “defined waters of the United States so broadly ... that there really weren’t any boundaries between federal and state jurisdiction,” said Pruitt, who as Oklahoma’s attorney general filed one of several lawsuits against the rule.

“Federal jurisdiction usurped and displaced state jurisdiction. So that needs to be fixed. We need regulatory certainty around that, so that’s what we’re going to seek to achieve.”

Pruitt, who is in his second week on the job, also said that he wanted to accelerate the approval process for pesticides and industrial chemicals and was seeking to protect from spending cuts EPA’s funding programs for water infrastructure.

“We’re already in discussions on how to” speed the approval process for pesticides and chemicals, he said. “It’s absolutely a commitment that I’m seeking to establish,” he said.

The White House is planning deep cuts in non-defense discretionary spending at EPA and across the government. According to reports, the White House may propose slashing EPA’s \$8 billion budget by 24 percent alone. Pruitt said it was too soon to say what areas at his agency would be reduced. The state and tribal grant programs alone that he wants to protect account for 42 percent of EPA’s total budget.

In a White House ceremony with President Trump on Tuesday, Pruitt signed an advance notice of proposed rule-making (ANPR) that starts the process of replacing the Obama administration’s WOTUS rule.

The new rule will be developed in conjunction with the Army Corps of Engineers, which shares responsibility for enforcing the Clean Water Act. The new administration wants to limit the law’s jurisdiction to how it was interpreted by the late Justice Antonin Scalia in the Supreme Court’s 2006 Rapanos decision. Scalia said the law grants jurisdiction only over “relatively permanent bodies of water.”

The Obama administration had been adhering to a separate opinion written by Justice Anthony Kennedy that said wetlands and other water bodies with a “significant nexus” to navigable waters also were subject to jurisdiction under the water law. Scalia’s opinion was signed by the court’s other three conservative justices at the time. Kennedy sided with them in the outcome of the case but wrote his separate opinion.

Pruitt said Kennedy's "significant nexus" terminology entailed a subjective approach to defining federal jurisdiction. It "provided no objective criteria. It's a case-by-case review. That's the poorest form of rule-making. Rule-making and regulations ought to provide a framework ... for people to make decisions, allocate resources and know what's expected of them," he said.

So, the new rule will be less expansive than the Obama rule? "Yes, yes," he replied.

Obama's EPA "so expanded jurisdiction of the Clean Water Act that it just made it a statute like Congress never intended it to be. They never intended the EPA to have ... jurisdiction over puddles and dry creek beds across the country," he said.

"That has to be fixed going forward, and that means the Kennedy definition is something that doesn't provide" the necessary clarity, he said.

The Obama rule included language for making case-by-case determinations of whether streams or wetlands would be deemed tributaries of a navigable waterway. "Significant nexus" was broadly defined in the rule as meaning a wetland or other water body that "significantly affects the chemical, physical, or biological integrity" of a navigable waterway. A wide variety of wetland functions could have met the definition, ranging from sediment trapping to the presence of waterfowl.

Environmentalists dispute the Trump administration's criticism of the rule. The rule was "grounded in science and law" and was "developed over many years, after more than 1 million public comments," said Rhea Suh, president of the Natural Resources Defense Council. "We all rely on healthy wetlands to curb flooding, filter pollutants, support fish, waterfowl and wildlife, and feed our rivers and lakes."

Because Pruitt was tied up with the WOTUS issue, he said he was unaware of a kerfuffle that erupted in the renewable fuels industry on Tuesday when rumors surfaced that Trump would issue a "not negotiable" executive order that would change the point of obligation under the Renewable Fuel Standard. Refiners are lobbying EPA to shift the responsibility for meeting biofuel usage mandates to fuel marketers.

Tuesday's reports indicated that the executive order would have changed the point of obligation in exchange for administrative assistance on a Reid vapor Pressure (RVP) waiver that would allow E15 – a gasoline blend with 15 percent ethanol – to be sold during the summer months.

EPA is reviewing comments on the issue. "I've not seen any kind of summary from our office on that process yet," he said.

Politico

<https://www.politicopro.com/energy/story/2017/03/pruitt-hints-at-pushback-on-white-house-proposals-to-slash-water-grants-brownfields-150236>

Pruitt vows to protect water grants, brownfields programs White House wants to slash

By Alex Guillen 3/2/17, 10:54AM

EPA Administrator Scott Pruitt said Thursday that he wants to protect state water grants as well as the brownfield program, despite the White House's proposal to slash state grants and zero out the clean-up program.

Pruitt did not directly discuss the White House's proposed cuts included in the "pass-back" budget sent to EPA this week, but asked a gathering of mayors to help him convince the administration not to seek major cuts to those key programs.

He specifically discussed the twin state revolving funds for drinking water and clean water that make up around \$2 billion of EPA's annual budget, as well as the nascent, and relatively small, Water Infrastructure Finance and Innovation Act program.

"States across the country, cities and town across the country, have relied upon those grants for a long, long time to improve water infrastructure," he told a gathering of the U.S. Conference of Mayors. "We have a water infrastructure issue right now across this country."

Pruitt said he will attend a White House meeting at 1 p.m. to discuss infrastructure issues, and he assured the mayors that he will make sure the administration considers water infrastructure alongside projects like roads and bridges. Pruitt did not say who he would be meeting with, but President Donald Trump and Vice President Mike Pence are both scheduled to be out of town this afternoon.

Those water infrastructure grants are at the "core" of EPA's mission, along with vital clean-up programs such as brownfields and Superfund, Pruitt said. The White House has proposed zeroing out EPA's brownfields program, which cleans up abandoned industrial sites for new uses.

"I want to be able to share [with the White House] that the investment in that brownfields program needs to be enhanced and strengthened because it truly goes to job creation, benefits for

the community and environmental benefits as well,” Pruitt said.

Pruitt did not mention EPA’s air grants, which are worth hundreds of millions of dollars each year for states to monitor and improve air quality, but he did note that significant swaths of the U.S. do not meet the ozone standard.

An EPA spokesman told reporters after Pruitt’s appearance that Pruitt’s mention of non-attainment issues shows he considers it an important issue. “That’s a topic that we’re going to have to get into and that is being discussed inside the EPA right now internally, how we work on air grants,” the spokesman said.

“There’s a purpose behind his words. He wants to make clear that there are certain things that EPA does that the mayors and their constituencies’ needs, and Congress and their constituencies need and want, that is good for jobs, the economy, the environment,” the spokesman added.

CNN

<http://www.cnn.com/2017/03/02/politics/epa-programs-donald-trump-budget/index.html>

Source reveals EPA programs Trump’s budget could cut

By Rene Marsh and Eli Watkins 3/2/17, 8:00AM

Washington (CNN)A wide slew of Environmental Protection Agency programs could be under the knife to meet President Donald Trump's budget proposal requirements, a source told CNN Wednesday night.

The source spelled out details of an Office of Management and Budget proposal that would cut the EPA's budget by 24% and reduce its staffing by 20%. Some of the EPA's most longstanding and best-known programs are facing potential elimination -- including initiatives aimed at improving water and air quality as well as a number of regulations tasked with reducing the nation's greenhouse gas emissions.

Other programs include the Environmental Justice program, which is meant to help local

communities grapple with environmental concerns, and Global Change Research, a program funded by several agencies, including the EPA, which reports humans' impact on the planet.

The Clean Power Plan, which could also be recommended for cuts, was an initiative by former President Barack Obama meant to reduce carbon emissions from each state. Fourteen separate EPA partnership programs to reduce greenhouse gas emissions could also be on the chopping block.

Also among the programs up for elimination are multi-purpose grants to states and tribes, Energy Star grants, Science to Achieve Results (STAR) graduate fellowships, the Diesel Emissions Reduction Act and initiatives aimed at environmental protections along the US-Mexico border.

Some of the grants recommended for elimination could be matching grants for local projects around the country, the source added.

Ken Cook, the head of the Environmental Working Group, an advocacy and research organization, told CNN in a statement: "The Trump administration has decided fence-line communities across the country, whose residents already bear an outsized burden from pollution, are on their own to take on big polluters."

The EPA did not return a request for comment about the recommendation for budget cuts and staff reduction. CNN has also reached out to the White House for comment.

John Coequet, a campaign director of the progressive environmental group Sierra Club, called the plan ludicrous and said the administration wouldn't be able to get signoff on these cuts from the legislative side. He also argued that zeroing out the Environmental Justice program, which focuses on fair protection from environmental and health hazards for people of all races and incomes, has racial motivations.

"To cut the Environmental Justice program at EPA is just racist," he said. "I can't imagine it's an office that runs up much cost. I can't describe it in any other terms than a move to leave those communities behind. I can't imagine what the justification would be, other than racism."

The sizable cuts won't play well around the country, he added.

"States and Congress won't go for this. They are proposing cutting programs that are connected to jobs in states and programs that address environmental issues," Coequyt said.

The Trump administration has put together a budget calling for an more than \$50 billion increase in defense spending and an equal cut to non-defense spending to make up the balance. Trump's budget director, OMB chief Mick Mulvaney, unveiled the proposal Monday at the White House, and a source told CNN to expect calls for substantial cuts to the State Department and the EPA.

Asked by CNN's Wolf Blitzer on Tuesday about possible cuts, newly-minted EPA administrator Scott Pruitt said it is "very important to protect" grants that are meant to help states with water infrastructure, and he believes the EPA has a "very important role" managing air and water quality across the country. Still, he tried to reassure those concerned about potential budget cuts and layoffs, saying the process is ongoing.

"What we need to realize is this is the beginning of the process, not the end of the process," Pruitt said.

The source who told CNN about the plan pointed out that Pruitt was so far the only permanent political employee at the agency.

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n an interview Tuesday evening with E&E, an environmental policy-focused news outlet, Pruitt said he is concerned about cuts to grants and that he has spoken to Mulvaney about them.

"I am concerned about the grants that have been targeted, particularly around water infrastructure, and those very important state revolving funds," Pruitt said.

Pruitt was previously the Oklahoma attorney general and led lawsuits against the EPA during the Obama administration. Emails released after his confirmation to lead the EPA showed behind-the-scenes collaboration with oil industry officials. Despite his past statements on climate

science, Pruitt said at his confirmation that he did not believe climate change was a "hoax." However, he said climate change needs more debate, even though the overwhelming scientific consensus has said humanity is warming the planet through its release of carbon dioxide and other greenhouse gases.

The Hill

<http://thehill.com/policy/energy-environment/321979-epa-chief-defends-grant-programs-wh-is-eyeing-for-cuts>

EPA chief defends grant programs WH is eyeing for cuts

By Devin Henry 3/2/17 10:31 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt says he is urging the White House not to cut funding for several grant programs the Trump administration has targeted.

The White House is considering cutting a host of programs as part of an effort to slash the EPA's budget by up to a reported 24 percent.

Among those programs are grants for clean-up work at brownfields industrial sites and other grant programs for states, which Pruitt said Thursday should be protected.

"In this budget discussion that's ongoing with Congress, it's just starting, so there are some concerns about some of these grant programs that EPA has been a part of, historically," Pruitt told a gathering of mayors in Washington on Thursday.

"I want you to know that with the White House and also with Congress, I am communicating a message that the brownfields program, the Superfund program, water infrastructure ... are essential to protect."

Pruitt said funding for the superfund program, which aims to restore contaminated areas of the country, and clean-up at brownfields, former industrial sites too polluted for redevelopment, are priorities for him, and areas of the budget he will aim to protect in spending discussions.

"I want to be able to share that the investment with the brownfields program needs to be enhanced and strengthened because it truly goes to job creation, benefits to the community and environmental benefits, as well," he said

In a short speech to the mayors, Pruitt did not address other programs that are on the Trump administration's chopping block, including climate change funding.

The reported budget proposal for the EPA — a potential \$2 billion cut to the agency's \$8.1 billion budget — received mixed reviews on Capitol Hill this week. As expected, Democrats lambasted the idea, but some key Republicans were skeptical of it as well.

Pruitt told the mayors he also wants to help localities cut ozone levels to within the limits set by the EPA. He said he will push the White House to include water infrastructure in any construction package the Trump administration might put together this year.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106482438&vname=dennotallissues&wsn=49856250

Proposed EPA Cuts Incense State Funding Proponents

By Sylvia Carignan 3/2/17

Environmental activists and former EPA staffers are shocked about proposed deep cuts to the agency's grants to states and skeptical those cuts can survive congressional scrutiny, while some Republicans say reining in EPA's budget is necessary.

Under a proposal from the Office of Management and Budget that circulated March 1 among environmental activists and associations, the Environmental Protection Agency could cut its grants to states by 30 percent in fiscal year 2018, putting about 20 grants on the chopping block.

The cuts are subject to congressional approval. The EPA has one day, March 1, to protest the suggestions.

Bill Becker, executive director of the National Association of Clean Air Agencies, sent an email to members March 1 about the proposed cuts.

The EPA has not verified the information in the email and has not provided responses to Bloomberg BNA's questions about the budget.

The proposal identified at least 22 grants and programs that would not be funded in fiscal year 2018, including those for the agency's Brownfields program, Energy Star, environmental justice, climate change research and health research.

The budget proposal also includes a 20 percent cut in EPA staff. The EPA's overall budget could be cut by 25 percent.

Contradicting Pruitt's Promise

“What people don't understand is a substantial portion of EPA resources go either directly to states, or what's technically called STAG,” the agency's State and Tribal Assistance Grants, said Mathy Stanislaus, former assistant administrator for the EPA's Office of Land and Emergency Management.

Those grants have been the largest part of EPA's budget request in past years. They formed about 40 percent of the agency's fiscal year 2016 and 2017 budgets. About \$3.3 billion of EPA's fiscal year 2017 budget was allocated for STAG.

The grants help states and tribes comply with EPA regulations and fund environmental projects. But the cuts contradict EPA Administrator Scott Pruitt's promise to place more control in states' hands, Becker said.

“We were expecting state grant programs were going to increase,” he told Bloomberg BNA. “Now we just have no idea what Congress is going to do.”

Gutting Brownfields Funding

Stanislaus said the decision to cut Brownfields grants doesn't align with Pruitt's or President Donald Trump's priorities.

“This does not make any sense,” he told Bloomberg BNA. “The Brownfields program is one of those programs that provides resources for local communities for economic development.”

The Brownfields program is currently funded at \$80 million, though President Barack Obama asked for the program to get an additional \$10 million in his most recent request. According to Becker's email, Brownfields grants would be cut to zero in fiscal year 2018.

Sue Boyle, head of the New Jersey Licensed Site Remediation Professional Association, said local officials are trying to figure out what that could mean for them.

“Everybody in my line of work has been trying to read the tea leaves,” she said.

In New Jersey, state-offered brownfields grants outnumber federal ones, she said. Cutting federal money may persuade grantees to seek grants at the state level.

“There are going to be states where the state programs are utilized even more than they were,” if federal funding is slashed, she said.

Larry Schnapf, chair of the Environmental Law section of the New York State Bar Association, said he doesn't think the federal brownfields cuts will make it through Congress. Cutting brownfields grants, which have enjoyed bipartisan support in past years, is “contrary to 20 years of federal policy,” he said.

“I just think this is budget cutters that are just looking for areas to trim, and I think there will be significant opposition,” Schnapf said.

Gone for Good?

Some of the programs listed have been left off past Democratic- and Republican-proposed budgets. In some cases, the agency cuts back on certain programs with the expectation that Congress will boost the numbers in the appropriations process. The popular clean water and drinking water state revolving funds, grants to state-run loan programs for rebuilding old water systems, are one example.

But Becker doesn't think Congress will revive the programs targeted in the budget document.

“You don't play games with that, especially in a budget period when there's going to be immense competition among budget programs,” he said. “I don't think they're playing that game assuming that Congress is going to fund programs.”

Tom Cole (R-Okla.), a member of the House Appropriations Subcommittee on the Interior Environment and Related Agencies, is concerned about some of the proposed EPA-wide cuts.

“When you're talking about cuts of that magnitude, you really are going to make (a) tremendous difference,” he said.

But Hal Rogers, (R-Ky.), a House Appropriations member and former chairman, said the agency still has fat to trim.

“I think EPA could stand the cuts. We've cut them back to 1989 staffing levels, but I still think they've been overextending their authority, even all the while,” Rogers said.

Marked for Cuts

Several of the programs on the list, including the Diesel Emissions Reduction Act grant program, were also targeted for funding cuts or elimination under the Obama administration.

Congress generally rejected Obama's proposed cuts to popular environmental grant programs, and in some cases, provided additional funding.

The DERA program, which funds projects to upgrade or replace older, higher-emitting diesel engines, is one of the EPA programs that saw its funding levels increase in recent years. The program's current annual funding level is \$50 million, compared to \$20 million in both fiscal 2013 and 2014.

Pruitt has indicated support for the DERA program. He said in a Feb. 24 statement announcing the grant that the EPA was “thrilled” to provide a \$1 million grant to Alabama that will be used to replace a diesel-powered ferry with a 100 percent electric ferry.

“This is a tremendous example of how EPA collaboration with state partners can produce environmental as well as economic benefits,” Pruitt said. “These grants provide not only

environmental and health benefits by eliminating exposure to diesel exhaust, but cost-effectiveness as well.”

Reliance on Federal Funds

The Association of Clean Water Administrators, which represents state and interstate water pollution agencies, hasn't been able to verify the cuts, but told Bloomberg BNA that their members rely heavily on state and tribal grants. For instance, the Clean Water Act's Section 319 grants are used to address nonpoint sources of pollution, such as agricultural runoff containing nitrogen and phosphorus that cause algae blooms and subsequent fish kills.

“Robust STAG funding is essential to implementation of environmental programs delegated to states, and significant cuts to state funding would seem to counter the messaging from the administration that states and EPA ‘are partners’ in carrying out the work of protecting public health and the environment,” Julia Anastasio, the association's executive director and general counsel, said when asked about the impact of the cuts.

The largest chunk of the state and tribal grants includes money for the state revolving funds for drinking water and clean water programs that provide a combination of low-interest loans and grants to municipalities to repair, rehabilitate and rebuild aging water infrastructure.

Pruitt told Bloomberg BNA he has been quietly pushing the White House to set aside funding for water infrastructure, but it is unclear how much of a priority that will be for the agency.

Ironically, Trump pledged during his campaign and after his election to triple these funds to the levels enacted in 2009 in his quest to improve and rebuild the nation's crumbling infrastructure.

In prior years, the Obama administration has proposed to zero out grants to monitor water quality at beaches, but Congress has always restored it during the appropriations process.

It is unclear, however, whether the Trump administration is proposing cuts to the beach grants program or some other research program within the EPA.

A year ago, Obama requested about \$9.6 million in his fiscal 2017 budget to improve the water quality in the Long Island Sound in New York, Lake Champlain in Vermont, San Francisco Bay and South Florida. Congress, in response, appropriated \$14.8 million for all three programs.

Little Change for Chemicals

Lynn Bergeson, managing partner of Bergeson & Campbell PC, a Washington, D.C.-based law firm that specializes in chemical and pesticide regulations, told Bloomberg BNA this is good news for the EPA's Office of Chemical Safety and Pollution Prevention Office, which oversees both chemicals and pesticides.

The OMB did not recommend any cuts to either the chemicals or pesticides offices, she said.

That gives the EPA flexibility. Given the Trump administration's priorities, the agency could choose surgical cuts in the budgets and staff within the air and water offices, while ensuring the chemicals and pesticides program have the resources they need to function, Bergeson said.

Both the chemicals and pesticides office are starved for staff right now, given the attrition that occurs at the end of every administration, she said.

Cuts in the chemicals program are not sustainable if the EPA is to deliver the enhanced chemical oversight Republicans and Democrats approved when they amended the Toxic Substances Control Act in 2016, Bergeson said.

Jack Pratt, chemicals campaign director at the Environmental Defense Fund, told Bloomberg BNA: "You can't burn down my house and still expect me to cook dinner just because the kitchen's still standing."

"These type of drastic funding cuts would hobble the agency across the board and would be certain to affect every program, even the ones not specifically targeted," Pratt said.

But he said a lot of work remains ahead.

"We are hopeful that the more responsible voices on both sides of the aisle will see this for what it is: a press release budget that might play well in certain circles, but will be dead on arrival in Congress," he said.

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Executive Order on Clean Power Plan Next Week, Per White House

By Ari Natter 3/2/17

President Donald Trump plans to issue an executive order instructing the EPA to begin re-doing the Clean Power Plan and overturn a federal moratorium on new coal leases on federal lands next week, White House spokeswoman Kelly Love said in an email.

Environmental Protection Agency Administrator Scott Pruitt, an opponent of the Clean Power Plan, had suggested an executive order directing the agency to begin the work to rescind the carbon dioxide emissions limits on power plants was imminent during a recent speech at the Conservative Political Action Conference.

"We have to send a message across the country that we're going to provide certainty by living within the framework Congress has passed," Pruitt said. "So we're going to see regulations rolled back that aren't consistent with that—[Waters of the U.S.], Clean Power Plan, the methane rule."

Trump just directed the EPA to rescind another Obama EPA rule intended to determine the jurisdiction of the Clean Water Act as the new administration aims to roll back burdens on industry groups, particularly the fossil fuel industry.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106482432&vname=dennotallissues&wsn=49856450

Pruitt Sees Glimmer of Hope for Water Infrastructure in Trump Speech

By Dean Scott 3/2/17

President Donald Trump barely mentioned clean water but did talk a lot about infrastructure in his speech to Congress Feb. 28—enough to assure the new head of the Environmental Protection Agency that U.S. water projects won't be an afterthought in Trump's \$1 trillion infrastructure spending effort.

“I think infrastructure at times is interpreted only as roads and bridges,” Scott Pruitt, who was confirmed to head the agency less than two weeks ago, told Bloomberg BNA after Trump's address to Congress.

Pruitt said he has been quietly urging the White House to be sure to set aside some of the new funding Trump is readying for transportation and other infrastructure; Trump vowed to find \$1 trillion in combined public and private money.

“One of the things I've tried, in communicating to the White House, is that when we talk about infrastructure spending outside of the budget this year, water infrastructure needs to be part of that,” Pruitt said in an interview.

“It's a key aspect of how we do business with the states,” Pruitt said. States rely heavily on federal dollars for water infrastructure improvements: Since 1987, according to EPA figures, the federal Clean Water State Revolving Fund has provided more than \$118.8 billion in funding and loans to local communities for water projects.

In addition, the Association of Metropolitan Water Agencies has estimated that the nation's water infrastructure needs could increase by as much as \$944 billion by 2050.

A Telling Reference to ‘Clear’ Water?

It remains unclear, however, how much of a priority infrastructure will be. Trump and Congress currently are wrestling with a crowded legislative agenda that includes confirmation of his Cabinet and other officials as well as the Affordable Care Act and fiscal 2018 budget.

It's also unclear how a bigger emphasis on water projects would be squared with Trump's broader budget priorities, which reportedly include deep cuts in the EPA's budget of roughly \$8 billion. Overall, Trump said little in his first speech before a joint session of Congress on the environment and water issues beyond pledging to work with both parties "to promote clean air and clear" water.

But Pruitt saw a connection. "I think [a] clean air and water reference in the speech is encouraging, but we've got work to do with respect to our team" in elevating the importance of water projects to the White House, Pruitt said.

Infrastructure spending "after all, is very essential to our water quality, as you know," Pruitt said. "And that's something I hope to build and to advance to the White House with success—through infrastructure spending."

Pruitt didn't seem overly concerned about one big omission in Trump's speech—any reference to solar, wind or other renewable energy; in fact, the president never actually uttered the word "energy" in his hour-long speech.

Trump also didn't mention the Flint, Mich., water crisis due to lead contamination in the community's drinking water, though he said the U.S. has lost its way in funding one "global project after another" while ignoring "the fates of our children in the inner cities" of Chicago, Baltimore and Flint's neighboring city, Detroit.

Silence on Renewable Energy

Pruitt—who was seen by Democrats and environmental groups as too friendly to industry in repeatedly suing the EPA during his previous post as Oklahoma attorney general—said the omission of any clean energy reference wasn't surprising.

"Look, I didn't take anything from that, you know, that part of what he said tonight was [Trump] being anti-renewable energy," Pruitt said.

The president did refer to energy-related projects, such as his efforts to restart the Keystone XL pipeline. But the president steered clear of any mention of climate change, and the absence of a line or two on clean energy was a departure from what had been reliable applause lines in such speeches for President Barack Obama but also George W. Bush.

"What the president has said, and I think it's right, is that historically we shouldn't use regulatory policy to pick winners and losers" in pitting renewable energy against other sources such as natural gas and coal, Pruitt said.

"I mean, in my state of Oklahoma, we are in the top three of the country in providing electricity through renewable energy like wind, and that's a good thing," the EPA head said.

Utilities that generate electricity should be able to make "a market-based decision" in choosing their energy mix, Pruitt said.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106482439&vname=dennotallissues&wsn=49856500

White House Said to Propose 25 Percent Cut in EPA Budget Plan

By Ari Natter and Christopher Flavelle 3/2/17

The White House has recommended cutting the Environmental Protection Agency's budget by 25 percent and eliminating thousands of jobs and more than a dozen programs, according to an opponent of the budget plan.

The Office of Management and Budget blueprint given to the EPA includes ending programs such as one that protects coastal beaches and another that safeguards homeowners against radon poisoning. Grants to states would be slashed by 30 percent under the plan.

"These are shocking figures," said William Becker, the executive of the National Association of Clean Air Agencies, who obtained the plan. "These budget cuts would be devastating not only to EPA, but to state and local air pollution control agencies."

Becker said he received the figures from a government official he declined to identify. The EPA has been asked to suggest alternatives, according to Becker, whose group represents state officials responsible for cutting air pollution. Becker has led the Washington-based group for more than 35 years.

Spokespeople for the EPA and budget office didn't respond to several requests for comment. The budget request President Donald Trump will present to Congress is still weeks away, and so the specific programs and reductions could change.

Still, the document shows the reductions necessary at agencies in order to meet the blueprint laid out this week by Mick Mulvaney, the head of the budget office. The White House said it would propose boosting military spending by \$54 billion, while slashing other departments to offset that increase. The EPA has a budget of about \$8 billion and employs about 15,000 people.

One program set for elimination was set up to help implement the Clean Power Plan, a rule EPA Administrator Scott Pruitt has pledged to dismantle.

The EPA "probably spends a lot of unnecessary funds on promoting a political agenda and it probably needs to be rolled back," said Rep. Lamar Smith of Texas, who chairs the House Science Committee.

Other cuts appear to run counter to a pledge from Pruitt that EPA grants to states would be preserved. Instead those grants would be slashed by 30 percent under the plan.

“These proposed cuts negate any goodwill Trump may have shown during his congressional address, including his empty promises to promote clean air and water,” Travis Nichols, a spokesman for the environmental group Greenpeace, said in an email.

Another one of the more than 20 programs scheduled for elimination helps native villages in Alaska pay for safe drinking water and wastewater disposal. The state says it will fight to save it.

“I’m trying to reach out to anybody who has any influence on the federal government, to really take a look at not cutting this portion of the EPA,” Katherine Eldemar, director of Alaska’s Division of Community and Regional Affairs, said in an interview.

Cutting the EPA’s budget by nearly a quarter would likely be an uphill battle in Congress, especially in the Senate where Democratic support would be needed for passage.

“I would hope there would be many members of Congress who recognize that whatever policy differences that they had with the agency that is different from the basic organizational integrity of the EPA,” said Stan Meiburg, who served as the EPA’s acting deputy administrator during the Obama administration.

Reuters

<http://www.reuters.com/article/nrdc-epa-idUSL2N1GF0HL>

Environmental group sues EPA over municipal waterway pollution

By Rebecca Beyer 3/2/17 7:33 AM

The Environmental Protection Agency has failed to fulfill its duties under the U.S. Clean Water Act to reduce pollutants in recreational waterways in Los Angeles and Baltimore, the Natural Resources Defense Council claimed in two lawsuits filed this week.

The NRDC petitioned the EPA to address the pollution in the waterways in 2015. Becky Hammer, an NRDC lawyer, said the environmental group was suing now because the agency had taken no action.

Washington Post

<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/02/former-epa-scientists-to-trump-evidence-does-not-change-when-the-administration->

Former EPA scientists to Trump: ‘Evidence does not change when the administration changes’

By Chris Mooney 3/2/17 8:00 AM

The Trump administration’s proposal to cut the Environmental Protection Agency is looking dramatic indeed. The plans call for laying off thousands of staff, eliminating entire programs and making deep cuts to the agency’s research office, the Office of Research and Development (ORD), according to recent reporting by The Washington Post.

That’s not to say all of this will happen — or that any of it will. Congress makes the final decisions on funding the government. But it’s a stunning proposal to researchers familiar with the workings of the EPA.

“I think a deep cut would be devastating to the nation’s capacity to do environmental health and ecosystem research,” said Jonathan Samet, a former chair of the agency’s Clean Air Scientific Advisory Committee who is now a professor of medicine at the University of Southern California.

Samet and two other former EPA science officials — Thomas A. Burke, who served as the agency’s science adviser and headed up ORD under President Barack Obama, and Bernard Goldstein, who was EPA’s assistant administrator for research and development under President Ronald Reagan — went even further in a commentary published Wednesday, calling on President Trump to change course and stand up for the agency and science.

“Evidence-based decision making on the environment should not be abandoned,” the two scientists write in a timely essay in the New England Journal of Medicine. “Reasoned action and acknowledgment of scientific truth are fundamental to democracy, public health, and economic growth. Scientific evidence does not change when the administration changes.”

The researchers now all hold academic posts. They describe the EPA’s Office of Research and Development as the “preeminent environmental research organization, a cornerstone of our global leadership in environmental science, and a key player in the training of environmental health scientists.” The ORD had a budget of \$521 million in 2015 with a staff of 1,755.

And the Post reported Wednesday that the administration is considering a proposal to cut this office by “up to 42 percent.”

There are many reasons that would be devastating, Samet said in an interview. One of them is that when environmental crises happen, like the Flint, Mich., or Deepwater Horizon disasters, you need a science infrastructure that’s ready to move. In these crises “that demand research and environmental surveillance and quickly trying to assess the toxicity of agents, the nation needs

the capacity that ORD has,” Samet said.

Samet and his co-authors aren’t the only academic scientists standing up for the EPA right now. Others are reacting to the first of many expected environmental rollbacks — Trump’s executive order this week directing the agency to rescind the “Waters of the U.S.” rule, which sweeps many smaller waterways under the protections of the Clean Water Act.

Seven presidents of scientific organizations representing more than 200,000 members have signed a letter opposing the first of many expected environmental rollbacks: Trump’s executive order this week directing the agency to rescind the “Waters of the U.S.” rule, which would protect many small waterways. The researchers argued the rule was based on solid science when it comes to the understanding of the importance of wetlands and how they relate to larger bodies of water.

The scientific societies weighing in are the Society of Wetland Scientists, the American Fisheries Society, the American Institute of Biological Sciences, the Ecological Society of America, the Phycological Society of America, the Society for Ecological Restoration, and the Society for Freshwater Science.

The more Trump and his administration propose environmental rollbacks and cuts to environmental or other science funding, the more researchers can be expected to speak out. Thousands are expected to march on Washington, and around the globe, on April 22 — Earth Day.

E&E News

<http://www.eenews.net/eedaily/2017/03/02/stories/1060050796>

Proposed budget cuts will be 'devastating' — ex-chief

By Kevin Bogardus 3/2/17

Former U.S. EPA Administrator Gina McCarthy said yesterday that President Trump's proposed budget cuts for the agency would be crippling.

In a television appearance on MSNBC, the former Obama-era agency chief said Trump's plan to cut EPA's budget by a quarter, about \$2 billion, would be "devastating."

"This is actually going to be devastating for the agency's ability to protect public health," McCarthy said.

McCarthy said she understood that the Trump administration was not likely to support former President Obama's efforts to combat climate change, "but this is going to the heart of our air and water protections."

"This is going to the heart of how EPA protects public health and American families," McCarthy added.

Trump's budget proposal for EPA targets several agency programs, not just climate initiatives, and would reduce the agency's workforce by 3,000 employees.

EPA Administrator Scott Pruitt has said that he has expressed concerns about the budget plan to Office of Management and Budget Director Mick Mulvaney.

"This is early in the process. These are discussions that are occurring with OMB and the executive agencies. I've emphasized the importance of those state revolving funds, of those [Water Infrastructure Finance and Innovation Act] grants, of making sure that we partner with the states in a very good way on water infrastructure," Pruitt said in an interview after Trump's address to the joint session of Congress on Tuesday night (E&E Daily, March 1).

Ex-New Jersey Gov. Christine Todd Whitman (R), who was President George W. Bush's first EPA administrator, also appeared on MSNBC with McCarthy. She said she was "fairly skeptical" of Trump's EPA, given the mixed signals that come from the president.

"It's a little hard to figure out this president, though, because he will say one thing in one minute and then find that some member of his Cabinet is doing something else, which you have to believe is coming from him," Whitman said.

Since his confirmation by the Senate last month, Pruitt has pledged to roll back some environmental regulations, beginning that process with the Waters of the U.S. rule this week, which he sued EPA over as Oklahoma attorney general. He also has doubted whether EPA has the authority to act on climate change.

"If the tools aren't in the toolbox and Congress hasn't spoken on the issue, agencies can't just make it up," Pruitt said Saturday at the Conservative Political Action Conference (E&E Daily, Feb. 27).

Whitman noted that EPA has been authorized by Congress to take action to protect the environment. The former agency chief said EPA had to act on climate change in a response to the 2009 finding that carbon emissions were harmful.

"That happens when you have a finding, let's say, of endangerment as with carbon, which was settled by the U.S. Supreme Court," Whitman said. "That was something that they had to take action. Didn't have a choice."

E&E News

<http://www.eenews.net/eedaily/2017/03/02/stories/1060050798>

GOP bill limits federal jurisdiction of navigable waters

By Ariel Wittenberg 3/2/17

Rep. Mac Thornberry (R-Texas) is hoping to quiet the debate over how far federal jurisdiction reaches under the Clean Water Act, filing a bill yesterday to amend the 1972 law to provide more clarity.

The "Federal Regulatory Certainty for Water Act" (H.R. 1261) would define the term "navigable waters of the U.S." under the Clean Water Act.

Until now, it has been up to U.S. EPA and the Army Corps of Engineers to define the term, which is not defined under the current law.

The topic has been hotly debated in recent years, with the Obama administration issuing its Clean Water Rule, also known as the Waters of the U.S., or WOTUS, rule, in an effort to clarify federal jurisdiction for wetlands and small waterways.

WOTUS was strongly opposed by farmers, land developers and energy companies for what they called federal overreach. Its implementation has been stayed by the courts pending litigation, and President Trump signed an executive order Tuesday directing EPA and the Army Corps to review and possibly rescind or replace the rule.

Thornberry's bill is an apparent direct response to WOTUS, specifically exempting many of the waterways the regulation would have included under federal jurisdiction.

His legislation would define "navigable waters" as waters that are either "navigable in fact" or those that have a permanent or continuously flowing bodies of water that form streams, rivers, lakes and oceans "that are connected to waters that are navigable in fact."

The bill also explicitly excludes waters "that do not physically abut" actually navigable waters through a surface water connection.

"Folks who live and work in our part of Texas, especially the farmers and ranchers, understand the importance of clean water and work hard to be good stewards of the land. This bill will help protect the personal property and water rights that are so fundamental to the American way of life, a family's business, and many people's livelihoods," Thornberry said in a statement.

The legislation would also exclude wetlands, playa lakes, prairie potholes, wet meadows, wet prairies and vernal pools, which were not covered by the Clean Water Act for the past decade and a half until the Obama administration decided in WOTUS that they should be considered for inclusion on a case-by-case basis. WOTUS also would have allowed those water features to be considered as a system, something Thornberry's bill would explicitly prohibit.

In Trump's executive order, he directs EPA and the Army Corps to consider whether a 2006

Supreme Court opinion written by late Justice Antonin Scalia should be used to decide which wetlands and streams are protected under the Clean Water Act.

Doing so would mark a significant change in the government's legal strategy for deciding federal jurisdiction, since both the George W. Bush and Obama administrations instead relied on an opinion by Justice Anthony Kennedy in that same case, *Rapanos v. United States*.

In a 4-1-4 vote, five justices ruled against EPA but split on which approach to use to define government jurisdiction, with Scalia's opinion for the four conservative justices being more limiting than Kennedy's stand-alone opinion.

Scalia, who died last year, argued that the Clean Water Act only applied to "navigable waters" connected by a surface flow at least part of the year. Kennedy said waters must have a "significant nexus" to actually navigable rivers and seas, which could include biological or chemical connections.

Thornberry's bill, however, would potentially be a more limiting definition of "navigable waters of the U.S." than Scalia's opinion.

Not only does Thornberry's bill explicitly exclude wetlands from federal jurisdiction but also excludes tributaries "through which water flows intermittently or ephemerally."

Scalia's opinion on intermittent streams has been subject to much debate in lower courts. While he argued in the body of his opinion that only "relatively permanent standing or continuously flowing bodies of water" should be protected by federal jurisdiction, he wrote in a footnote that his opinion did "not necessarily exclude seasonal rivers, which contain continuous flow during some months of the year but no flow during dry months."

Given the legal uncertainty, bills have been introduced on the issue in each of the past eight congressional sessions, but the legislation has never been signed into law.

Politico

<https://www.politicopro.com/agriculture/story/2017/03/trumps-wotus-order-150061>

Trump's WOTUS order opens up options for EPA

By Annie Snider 3/2/17, 5:02AM

The executive order President Donald Trump signed on Tuesday may show his commitment to undoing the Obama administration's Waters of the U.S. rule, but it doesn't offer many clues about the path his administration will take to try to get there.

Between the battle currently churning in the courts over the rule and the formal rulemaking process that would be needed to unwind it, the Trump administration will need to move cautiously as it calculates its next steps.

The key question is whether the Trump administration's goal is to simply kill the Obama administration rule or try to write its own version that answers the underlying question of how far the Clean Water Act's protections reach.

That decision will be hard to make while several key administration positions sit empty. Scott Pruitt has been EPA administrator for less than two weeks, and he has yet to get a deputy, general counsel or assistant administrator for water, all of whom would be key advisers on how to proceed on the convoluted legal issue. Likewise, the post of assistant secretary of the Army for Civil Works, which oversees the Army Corps of Engineers, is unmanned and likely to remain so for a while, since Trump's pick for the top Army post withdrew his nomination in late February.

Pat Parenteau, a long-time environmental lawyer who now teaches at Vermont Law School, warned that until Pruitt installs own people to manage the review process at the agency, he could face fierce pushback from career staffers who developed the Obama administration rule.

"If he doesn't have a core, a cadre of loyal staff people around him, it's going to take months because I know what this agency is going to do — it's going to slow walk this stuff," Parenteau said.

Revising or rescinding the water rule, as the executive order instructs the EPA and Army Corps of Engineers to do, would require a rulemaking of its own — a process that could be undertaken a few different ways with differing timelines. Shortly after Trump signed the order, Pruitt signed his own Federal Register notice alerting the public that it intends to undertake a review of the rule and at some point in the future issue an advanced notice of proposed rulemaking.

Regardless of whether the Trump administration opts to use that for a straight withdraw of the rule or a major rewrite of it, EPA will have to justify the changes in its final rule and will need top-notch legal expertise to convince judges to uphold it. Environmental groups and states

supportive of the Obama rule are already preparing to challenge the move in court.

Jamison Colburn, a former EPA litigator who now teaches at Penn State Law, said it will be important for the agency to have a clear picture of what it wants its outcome to be before it begins that rulemaking process.

“The Notice of Proposed Rulemaking that goes out is going to control whatever challenges people who are disappointed with the outcome can bring from a procedural standpoint. If it doesn’t adequately signal what the agency’s expected actions are, you’re going to basically help them in their procedural challenges,” he said.

The legal side of the equation will be at least as important as the administrative moves to unwind the Obama rule, given that any changes to the Waters of the U.S. rule will face legal challenges that are almost certain to end up at the Supreme Court.

A Department of Justice spokesman said the agency is still reviewing the new executive order and wouldn’t comment on next steps. But some lawyers involved in the ongoing litigation say Justice Department lawyers have already begun reaching out to parties to the pending cases, feeling out their support for various approaches.

While Trump’s executive order suggests his administration is planning to undo WOTUS through the rulemaking process, the agencies could try to head off environmentalists’ court challenges by asking court justices for a voluntary remand of the rule first. If the Supreme Court agreed and handed the rule back to EPA, the agency could take its time reviewing the rule and deciding what, if anything, it wants to do next.

Going the voluntary remand route would also guarantee that the Obama rule doesn’t go into effect in the meantime — a risk the Trump administration would face if it moves ahead with a rulemaking while the litigation continues to play out.

The 6th Circuit Court of Appeals has blocked implementation of the Obama rule nationwide while it weighs challenges, but it’s not clear whether that court is the proper venue to hear the

case. The Supreme Court has agreed to hear arguments relating to the question of judicial jurisdiction.

If the high court proceeds with that case and ends up deciding that challenges should go through district courts first, then that nationwide injunction would be dissolved. That would mean plaintiffs would need to go back to the more than a half dozen district courts where challenges to the Obama rule were filed to ask for a new injunction.

Alternately, Trump's Justice Department could ask the Supreme Court to dismiss the case because the administration is proceeding with a new rulemaking. But there's no guarantee that the court would bite, since most legal experts expect that the question of judicial jurisdiction will end up back before the court before long. Moreover, a move to dismiss would surely be challenged by environmentalists and other supporters of the Obama rule, and even industry groups that oppose WOTUS might not back the move since they, too, know that the venue question eventually needs to be answered.

Add to this legal morass the possibility that the Trump administration will decide to write its own rule dealing with the underlying question of which marshes, bogs and creeks should be federally protected under the Clean Water Act. Such a move would win plaudits from property rights activists and industry groups who have for years been keen to cement a more limited approach to federal power under the 1972 law.

Trump's executive order suggests he's got an appetite for that challenge: It orders the agencies to focus on late Supreme Court Justice Antonin Scalia's opinion in a 2006 case when weighing the extent of federal power under the Clean Water Act. The test Scalia set when writing for the court's four conservative justices would greatly restrict the number of streams and wetlands across the country that receive federal protection.

In that case, *Rapanos v. United States*, Justice Anthony Kennedy sided with conservatives, providing the crucial fifth vote overturning the federal government's broad approach to federal jurisdiction, but set his own test, which a half dozen circuit courts have agreed is the one that must be met. Both the George W. Bush administration and the Obama administration have pegged their regulatory efforts to Kennedy's opinion.

Any move to enshrine a narrower approach to federal water protections based on Scalia's opinion would spark another all-out legal assault, this time from environmental groups.

“If they adopt a rule that significantly weakens the Clean Water Rule, that ignores the science and the law, you can get there will be all kinds of challenges,” said Jon Devine, senior attorney with the Natural Resources Defense Council.

All of these questions leave only one certainty, lawyers say: It will be years before the mass confusion over the scope of federal water protections is any closer to being resolved.

Politico

<http://www.politico.com/story/2017/03/trump-epa-environmental-regulations-235596>

Trump's green assault off to fast start

By Andrew Restuccia 3/2/17, 5:09AM

President Donald Trump is carrying out the most aggressive rollback of federal environmental rules since at least the Reagan administration.

And he's just getting started.

In just 40 days, Trump has made it easier for coal miners to dump their waste into West Virginia streams, ordered the repeal of Clean Water Act protections for vast stretches of wetlands, proposed massive job cuts at the Environmental Protection Agency and prepared to begin revoking the Obama administration's most ambitious climate change regulations.

Trump is also expected to overturn Barack Obama's moratorium on new federal coal leases, and is considering automakers' pleas for relief from a scheduled tightening of vehicle fuel-efficiency standards. Obama's pledge to send billions of dollars to United Nations climate programs is also likely on the chopping block. And Trump hasn't ruled out withdrawing the United States from

the 200-nation Paris climate agreement, a step that could undercut the international effort to confront global warming.

Trump's actions are true to his campaign rhetoric, including his promises to "get rid of" the EPA "in almost every form." They thrill conservative groups like the Heritage Foundation that share his disdain for federal regulations and want Washington to give more control to the states.

But they run afoul of some of Trump's greener post-election head fakes, including a much-publicized meeting in Trump Tower with Al Gore and media speculation that the president's daughter Ivanka might serve as a de-facto climate czar.

Trump's approach alarms environmental advocates and their allies in Congress, who say his early policy moves threaten to pollute the nation's air and water while undermining the future of the planet. They would also hobble agencies like EPA: The spending cuts Trump has ordered would chop nearly 25 percent of that agency's budget, even sharper than the reductions Ronald Reagan oversaw in his first term.

Unlike Reagan, Trump has no Democratic House majority to resist his policies. And decades after Reagan left office, scientists warn that policymakers have little time left to prevent the most catastrophic effects of climate change.

"I would call it the worst environmental disaster of all time if he has the ability to implement the plans which he has outlined," Sen. Ed Markey (D-Mass.) said of Trump.

Even some Republicans are concerned.

"I haven't ever really seen anything quite like this," said Christine Todd Whitman, who served as George W. Bush's first EPA administrator, warning that any effort to weaken enforcement of environmental rules could harm public health. "A lot of that enforcement is protecting people."

The Environmental Defense Fund, which has for decades cultivated relationships with Republican administrations, was so concerned about Trump's agenda that it publicly opposed Scott Pruitt's nomination for EPA administrator, a first for the group. As Oklahoma's attorney general, Pruitt had led legal challenges against a series of major EPA regulations, including a power plant rule that formed the centerpiece of Obama's climate strategy.

"We've worked with every Democrat and every Republican and we've never opposed any Cabinet official, period," EDF President Fred Krupp said in an interview. "That's how far outside the bipartisan environmental tradition the agenda is."

"The very bedrock protections that have led to dramatically cleaner air and a healthy environment through both Democratic and Republican administrations are under attack," he added.

The White House did not respond to a request for comment on this story. But conservatives say it's about time someone started cutting back Washington's tangled environmental bureaucracy.

"In a lot of ways the federal government has bitten off more than they can chew," said Nick Loris, an energy and environment economist at Heritage, which worked closely with Trump officials during the transition. "The Trump administration is undoing a lot of the regulations that the Obama administration put forth that would increase the cost of energy and would really be devoid of any environmental benefit."

At the EPA, one career official said many nervous employees are living by two mantras: "Shelter in place" and "Wait and see." The official said senior career staffers are "being kept out of the loop on major decisions" amid distrust from Trump's political appointees.

"Some folks have zero work," the official said. "Others, who the appointees trust because they are Republican, are getting overtime while their counterparts are dying to get work assignments."

To some long-time environmentalists, Trump's unabashed assault on key planks of Obama's agenda are especially harrowing.

“Reagan and [George W. Bush] after him made their big moves on Friday afternoon when the media had gone home or cloaked in Frank Luntz cotton-candy phrasing so that only the intended donor beneficiaries would know what was happening,” said Carl Pope, who led the Sierra Club for nearly two decades. “Trump proclaims it in prime time. He's not just trying to change policy. He's trying to eliminate a key phrase in the Constitution: ‘promote the general welfare,’ by changing our public culture.”

At the EPA, some career employees privately draw comparisons between Pruitt and Anne Gorsuch Burford, who drew widespread criticism from environmentalists and Democrats while leading the agency during Reagan’s first term.

Burford — the mother of Trump’s Supreme Court nominee, Neil Gorsuch — slashed the EPA’s budget by 22 percent and once bragged that she cut the agency’s book of clean water regulations from 6 inches thick to a half-inch, according to her Washington Post obituary from 2004. Her tenure included being held in contempt by the House after Reagan ordered her not to turn over records about Superfund cleanups.

At the core of Trump’s approach to energy and environmental issues is a disdain for federal regulation and bureaucracy, paired with a desire to streamline permit approvals. That was the motive behind one of his earliest executive actions, an order commanding federal agencies to rescind two regulations for every one they enact.

Trump has also signed off on congressional repeals of some Obama-era regulations, including an Interior Department rule meant to protect streams from pollution by mountaintop removal coal mining. And this week, he ordered EPA to begin rewriting the Obama administration's sweeping "Waters of the U.S." rule, a move that green groups say could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected from development or pollution.

Next week, Trump is set to sign an executive order that will start the process of unraveling Obama’s most important climate change regulations, aimed at limiting greenhouse gas emissions from coal-burning power plants. Those rules were the centerpiece of Obama’s commitment to other nations that the U.S., the world’s second-biggest carbon polluter, would do its share to lessen the causes of global warming.

A person familiar with Trump's order said it is expected to emphasize increasing U.S. energy independence and maximizing domestic energy production on federal lands, while eliminating and streamlining regulations. The order will also overturn the Obama administration's 2015 moratorium on new coal leases on federal lands.

The order won't have instant effect: It could take years for EPA to undo the regulations, and the administration will face fierce legal challenges from environmental groups.

Despite Trump's aggressive early moves, some of his advisers are pushing a more moderate approach on environmental policy — chiefly Ivanka Trump and her husband, Jared Kushner. The couple succeeded in removing language criticizing the 2015 Paris climate deal from the president's upcoming executive order, as The Wall Street Journal first reported.

Trump's advisers have not yet fleshed out a detailed position on whether the U.S. should stay in the Paris agreement, according to a person close to the process. Some advisers have argued the U.S. should pull out altogether, a process that would take years under the agreement's rules. Others favor staking out a middle ground, perhaps by staying in the agreement and rewriting the emissions reduction targets that Obama set.

In some ways, the debate is symbolic: None of the carbon reductions outlined in the Paris deal are legally binding. But climate advocates say U.S. leadership is critical to getting other nations to follow through on their pledges — so a pullout could undermine the agreement.

Trump has been equivocal on the Paris deal, saying during the campaign that he would "cancel" the agreement but later saying he has an "open mind." Secretary of State Rex Tillerson said during his confirmation hearing that the U.S. must keep "its seat at the table" for climate talks, but didn't commit to staying in the agreement.

Trump's critics and supporters alike are looking for clues about his future policy moves in his remaining personnel choices.

For example, sources close to the administration told POLITICO the administration is considering nominating Kathleen Hartnett White, a former Texas environmental regulator who is

a vocal skeptic of mainstream climate science, to lead the White House Council on Environmental Quality, a move that would infuriate green groups and signal a continuation of the president's current approach.

But sources said the White House is also considering less divisive candidates for the job. Those include Marty Hall, who was CEQ's chief of staff during the George W. Bush administration and is now an executive at the Ohio-based electric utility FirstEnergy.

In the meantime, though, defenders of the EPA are urging Trump not to ignore the agency's core missions, which are to protect human health and the environment.

"If EPA doesn't provide these protections, no one else will," said William Reilly, the EPA administrator under President George H.W. Bush. "No one else in the government has that mandate. It's EPA or nothing."

Alex Guillén contributed to this story.

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Breitbart

<http://www.breitbart.com/big-government/2017/03/02/farmers-applaud-trump-repealing-epa-water-rule/>

Farmers Applaud Trump for Repealing EPA's WOTUS Rule

By Joel B Pollak 3/2/17

Farmers are applauding President Donald Trump's executive order Tuesday that reverses the Environmental Protection Agency's "Waters of the United States" (WOTUS) rule, which gave the agency virtually limitless authority to regulate water on private land.

Introduced under President Barack Obama, the WOTUS expanded the EPA's interpretation of the Clean Water Act to include, as Texas Attorney General Ken Paxton said, "almost any piece

of land that gets wet and puddles.”

The Clean Water Act was intended to apply to “navigable” waters, but WOTUS interpreted that extremely broadly, so that it included waters with a “significant nexus” with navigable waters — in other words, taking in water that might eventually flow into navigable waterways.

The result was that the EPA could theoretically regulate everyday farming operations.

The Los Angeles Times notes that “farmers knew the cavalry was coming to their rescue on election night” because they expected Trump to repeal WOTUS. And on Tuesday, just hours before his first address to a special joint session of Congress, he delivered on those expectations.

The Times adds: “Trump had been uncharacteristically specific during his campaign about reversing the rules, and calls to ‘Repeal WOTUS’ were as common a rallying cry among growers as ‘Build the Wall’ was to his followers in rural manufacturing areas.

Newly-confirmed EPA director Scott Pruitt said in a statement: “The President’s action preserves a federal role in protecting water, but it also restores the states’ important role in the regulation of water.”

The State of California has been increasing its role in regulating water on private land, expanding its authority to include groundwater — a response prompted by fears of overuse during the recent extreme drought and the ongoing restriction of federal water allocations due to efforts to preserve the endangered Delta smelt.

With regard to federal regulation of water, however, farmers in California share their counterparts’ relief — and join those who feel satisfied that the new president is keeping his promises, regardless of “resistance” from Democrats and the media.

Huffington Post

http://www.huffingtonpost.com/entry/former-epa-heads-blast-pruitt_us_58b728e1e4b019d36d1030be

Former EPA Head Says White House Budget An ‘Attack’ On Agency and Science

By Chris D’Angelo 3/1/17, 9:07PM

WASHINGTON — With oil ally Scott Pruitt now at the helm of the Environmental Protection Agency and a White House looking to axe one-quarter of the agency’s funding, two former EPA administrators felt no need to equivocate.

“This is actually going to be devastating for the agency’s ability to protect public health,” Gina McCarthy, who served as EPA chief under former President Barack Obama, told MSNBC.

In a joint interview Wednesday with MSNBC's Greta van Susteren, McCarthy and Christine Todd Whitman, the former New Jersey governor who later served as EPA chief under President George W. Bush, warned that the proposed EPA cuts go far deeper than reeling in burdensome regulations.

McCarthy called the Trump administration's budget proposal "an attack on the agency" that would reduce staffing levels to where they were 40 years ago.

"I understood that this administration was likely not supportive of climate initiatives, but this is going to the heart of our air and water protections. This is going to the heart of how EPA protects the public health of American families," she said.

As The Huffington Post previously reported, the White House is looking to cut the EPA's budget by 25 percent, as well as eliminate 1 in 5 agency employees. And The Washington Post reports that the EPA's scientific research arm, the Office of Research and Development, could see up to a 42 percent cut. Last year, the agency's budget totaled nearly \$8.2 billion.

"We're talking about 42 percent of our scientists potentially losing their jobs this year," McCarthy added. "I mean, this is not just disagreeing with the science and wanting to deny it. This is telling half of the scientists that they're no longer welcome in the premiere environmental science agency in the world, the Environmental Protection Agency."

Asked if she thought Pruitt would do the right thing for EPA, Whitman said she was "skeptical."

"I hope fervently that the kind of message that the administrator gave the other day to the people who work at the agency, the career staff, where it was a pretty balanced approach, that's going to be more the tone we're going to see — more respect for the agency and its mission, what it does," she said.

"The agency is about protecting human health and the environment. And we don't want to lose that in an effort to ensure that the regulations in place are the ones the administration wants."

What Whitman and McCarthy had to say Wednesday came as little surprise. Both have previously spoken out against what is unfolding at EPA.

"[Pruitt] obviously doesn't care much for the agency or any of the regulations it has promulgated," Whitman said of the former Oklahoma attorney general in December. "He doesn't believe in climate change; he wants to roll back the Clean Power Plan."

In a statement earlier Wednesday to The Washington Post, McCarthy blasted the White House's budget proposal, saying it "ignores" not only "the need to invest in science and to implement the law," but also "the lessons of history that led to EPA's creation 46 years ago."

A gutting of the EPA will almost certainly get the endorsement of the agency's top boss; Pruitt sued the EPA 13 times as Oklahoma's attorney general.

Over the weekend, Pruitt said those calling for the abolishment of the EPA were “justified” in their beliefs. He credited the agency’s actions under the Obama administration for such outrage.

“I think people across this country look at the EPA much as they look at the IRS,” Pruitt said during his appearance at the Conservative Political Action Conference in Maryland. “There are going to be some big steps taken to address some of those regulations.”

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From: McGonagle, Kevin
Sent: Thur 3/2/2017 7:09:32 PM
Subject: RE: OPA Clips 3/2/17

Below: American Ag Radio Network, Washington Examiner, The New Republic, Washington Post, E&E News (2), The Daily Caller, Agri-Pulse, Politico, CNN, The Hill, Bloomberg BNA (4), Reuters, Washington Post, E&E News (2), Politico (2), Breitbart, Huffington Post (3/1)

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American Ag Radio Network

<http://americanagnetwork.com/2017/03/epa-proposed-revocation-of-chlorpyrifos-threatens-growers-livelihoods/>

EPA Proposed Revocation of Chlorpyrifos Threatens Growers' Livelihoods

By Rusty Halvorson 3/1/17

In the months since the U.S. Environmental Protection Agency announced a proposal to revoke U.S. food tolerances for chlorpyrifos, growers, university Extension specialists and scientists have united to voice overwhelming support of the widely used insecticide. Since first registered in the United States in 1965, chlorpyrifos has played an important role in pest management efforts worldwide.

With the official EPA comment period concluding Jan. 17, 2017, and a final EPA decision forthcoming very soon, the future of chlorpyrifos – chemistry that is registered in nearly 100 countries for use on more than 50 different crops – hangs in the balance.

“For more than half a century, growers around the globe have relied on chlorpyrifos because of its outstanding control and low cost, and its role as an important tool in Integrated Pest Management programs,” says Phil Jost, portfolio marketing leader, U.S. crop protection insecticides for Dow AgroSciences. “Without chlorpyrifos to control many yield- and profit-

robbing pests, growers face limited or, in some cases, no viable alternatives.”

Dow AgroSciences is concerned about the far-reaching impact of EPA’s proposal to revoke U.S. food tolerances for the insecticide. The company is specifically concerned that EPA’s assessment of the chemistry lacks scientific rigor and that establishing food tolerance levels based on a nonreplicable epidemiology study sets an untenable precedent for current and future registrations.

EPA’s own Scientific Advisory Panel, along with the U.S. Department of Agriculture and other experts, have voiced concern that EPA has attempted to regulate chlorpyrifos based on a single unreplicated and unvalidated epidemiology study. In contrast, however, an extensive database of reliable and well-replicated data — developed based on sound scientific standards for chlorpyrifos — demonstrates that authorized uses of chlorpyrifos provide wide margins of protection for human health and safety when used as directed.

For growers like **Allen Tucker, a sugarbeet producer from St. Thomas, North Dakota**, chlorpyrifos is critical to protecting his crops from devastating pests and his operation’s sustainability. Tucker farms more than 4,000 acres – 700 dedicated to sugarbeets – and chairs the Sugarbeet Research and Education Board of Minnesota and North Dakota, an expert source of information on the sugarbeet industry.

“There are a limited number of products that can control sugarbeet root maggot effectively,” Tucker says. “With chlorpyrifos as a tool, we can apply it as a rescue treatment, if necessary, later in the growing season. Chlorpyrifos is our last line of defense against sugarbeet root maggot outbreaks. My farming operation would suffer greatly if this invaluable tool were to be taken off the market.”

John Weinand, a diversified grower from west-central North Dakota, echoes Tucker’s sentiment. Weinand grows dry pea, winter and durum wheat, corn, sunflowers, barley and canola, and relies heavily on chlorpyrifos. He is also a member of the National Association of Wheat Growers’ Environmental and Renewable Resources Committee.

“We rely heavily on chlorpyrifos to control orange blossom wheat midge,” Weinand says. “We turn to the expertise of our land grant university researchers for many agronomic practices and chlorpyrifos is their recommended ‘treatment of choice’ for midge. After using it, we nearly doubled our yield where there was a treatable infestation.”

“Anytime you take tools out of the toolbox and throw them away, it’s a loss for our operation,” Weinand says. “The recommendation we get from our university is based on solid science. It’s not random, and we feel EPA needs to understand that.”

Tucker says that without chlorpyrifos as an effective pest control tool, he would be forced to use other, less effective insecticides far more aggressively to keep sugarbeet root maggot pest outbreaks at bay.

“We would have to apply other insecticides before knowing the severity of an outbreak,” Tucker says. “The net result would likely be an increased application of insecticide active ingredients at

a greater cost. From an environmental standpoint, it benefits no one if we have to apply extra active ingredients of alternative insecticides to overcome insect pressure.”

“We remain optimistic that once EPA considers all of the scientific evidence and grower concerns, this product will continue to be available,” says Jost. “The decision carries huge implications, not only for food production and grower livelihoods, but just as importantly, for environmental sustainability, efforts to manage insect resistance and grower IPM programs.”

Washington Examiner

<http://www.washingtonexaminer.com/pruitt-looks-to-save-key-epa-grant-programs/article/2616268>

Pruitt looks to save key EPA grant programs

By John Siciliano 3/2/17 1:18 PM

Environment Protection Agency chief Scott Pruitt said Thursday he is trying to save the agency's grant programs from being slashed as the EPA braces for major cuts under President Trump's budget proposal.

Pruitt discussed his budget priorities for the agency at an annual conference of mayors Thursday in Washington. State and local governments rely on many of the grant programs he supports to improve water infrastructure and fund cleanups of waste that can lead to economic revitalization.

"I want you to know that with the White House and also with Congress, I am communicating a message that the brownfields program, the Superfund program, water infrastructure ... are essential to protect," Pruitt said. He added that the budget discussions are "just starting" in Congress, but there are already "some concerns about some of these grant programs that EPA has been a part of, historically," Pruitt said.

Pruitt's reassuring comments to local leaders come as the Trump administration is reportedly looking to slash EPA's budget by at least 25 percent. The main target of the Trump administration's cuts appears to be its climate change programs, but it is not clear how far the budget cuts would go.

Myron Ebell, the former head of Trump's EPA transition team, told the Washington Examiner in recent weeks that the grant programs likely would be spared in the budget because of how they will factor into Trump's infrastructure plan.

Trump "promised to undo all of Obama's climate agenda, including the greenhouse gas emissions rules for power plants; the [Waters of the U.S. rule]; and other job-killing rules," Ebell said in an email. "On the other hand, he supports the pass-through grants to the states for water and other environmental infrastructure projects."

The grants make up about half of the EPA's \$8 billion budget, Ebell said. "So I expect this funding to survive or even increase as significant budget cuts are made at the federal level."

Pruitt said Thursday that he supports EPA's many clean-up programs such as the Superfund and the brownfields, which are geared to revitalizing abandoned industrial sites.

"I want to be able to share that the investment with the brownfields program needs to be enhanced and strengthened because it truly goes to job creation, benefits to the community and environmental benefits, as well," Pruitt told the mayors.

Trump is reportedly planning to cut EPA's \$8 billion budget by \$2 billion, which has EPA employees bracing for layoffs. Trump is expected to issue an executive order next week to scuttle EPA's Clean Power Plan, the centerpiece of former President Barack Obama's climate change agenda.

Trump is also expected to issue a separate order ending Obama's moratorium on coal leases at the Interior Department, now that Interior Secretary Ryan Zinke has been confirmed.

The New Republic

<https://newrepublic.com/minutes/141066/scott-pruitt-like-relax-epa-cuts>

Scott Pruitt would like you to relax about the EPA cuts.

By Emily Atkin 3/2/17

In the wake of news that President Donald Trump's budget slashes the Environmental Protection Agency by 25 percent, the department's new administrator called for calm and insisted he's not totally on board with the administration's plan. "Civility in our discourse is really, really important," Pruitt, who is wrongly skeptical of man-made climate change and frequently sued the EPA as Oklahoma's attorney general, said at a U.S. Conference of Mayors event in D.C. on Thursday. He implored those around him to "lean on these issues with some level of civility."

Pruitt said he opposes some of Trump's ideas for his agency—specifically Trump's idea to cut a number of popular grant programs for states. Pruitt said he'd like to preserve Brownfields grants, which help states clean up and reuse highly polluted industrial sites. He also cited federal grant programs that rebuild aging drinking water infrastructure, like the \$100 million EPA grant that Flint, Michigan, received last year to improve its corroded pipes. "I want you to know that with the White House and also with Congress, I am communicating a message that the Brownfields Program, the Superfund program, water infrastructure ... are essential to protect," Pruitt said.

Afterward, an EPA spokesperson declined to say if Pruitt opposed any other parts of Trump's reported slash-and-burn budget for the EPA, such as eliminating the Office of Environmental

Justice, reducing the workforce from 15,000 to about 12,000, and zeroing out funds for climate change initiatives and native Alaskan villages.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2017/03/02/heres-one-part-of-epa-that-the-agencys-new-leader-wants-to-protect/?utm_term=.f38c792a65b8

Here's one part of the EPA that the agency's new leader wants to protect

By Brady Dennis 3/2/17 12:37 PM

In case there was any question whether President Trump's administration has put a bull's eye on the Environmental Protection Agency, the White House's proposed budget cuts at the agency leave little doubt. Plans reviewed by The Washington Post this week outline a wish list for cutting the agency's staff by one-fifth and eliminating dozens of programs entirely.

But Thursday morning, new EPA Administrator Scott Pruitt — himself a longtime agency critic who has made clear he intends to scale back the EPA's reach — told a group of mayors from around the country that he intends to defend at least some pieces of the EPA.

"Superfund is an area that is absolutely essential," Pruitt told a gathering of the U.S. Conference of Mayors at the Capital Hilton. "The brownfields program, as well."

EPA's Superfund program, which has been around since 1980, is responsible for managing the cleanup of some of the country's most contaminated hazardous waste sites, as well as responding to significant environmental emergencies. There are more than 1,300 Superfund sites around the country, and most past cleanups have been paid for by the parties responsible for polluting. The brownfields program, which began in 1995, involves EPA grants for communities to help clean up and redevelop abandoned industrial sites.

The programs historically have been considered successes and are popular around the country among lawmakers and their constituents. The White House budget proposal this week, however, would shrink EPA grants to states by 30 percent and potentially cut the brownfields funding altogether.

"There's a brownfields in every congressional district," Chris Bollwage, the mayor of Elizabeth, N.J., told Pruitt on Thursday. "It's a program that's worked really well in my city and throughout the nation."

"It's a tremendous success," Pruitt agreed, urging the mayors to send him details of where the program has worked best. "I want to hear from you about those successes. I want to be able to share those with the White House. ... We need stories. We need illustrations about how important the brownfields program is to creating jobs and the environmental benefits that have

been achieved.”

Pruitt also said Thursday that he intends to advocate for water infrastructure funding as part of a broader infrastructure push by the Trump administration.

“We know when it goes wrong, it goes wrong badly,” Pruitt said, in an apparent reference to the Flint, Mich., water crisis. “We have a water infrastructure issue right now across this country. It’s not just roads and bridges.”

He said he planned to bring up the need for water infrastructure investment at a White House meeting Thursday afternoon.

Pruitt did not address the wave of other deep cuts proposed at the agency.

The White House’s initial proposal would reduce the agency’s staff by one-fifth in the first year — from 15,000 to 12,000 — and would slash the EPA’s budget from \$8.2 billion a year to \$6.1 billion. Grants to states, as well as the agency’s air and water programs, would be cut by nearly a third. The massive Chesapeake Bay cleanup project would receive only \$5 million in the next fiscal year, down from its current \$73 million. The agency’s Office of Research and Development could lose up to 42 percent of its budget. EPA’s environmental justice program could vanish. In total, 38 separate programs would be eliminated entirely.

Congress, of course, would have to approve any cuts, some of which are deeply unpopular among some lawmakers.

But there is little doubt about Trump’s disdain for much of the agency’s work. As a candidate, he vowed to eliminate the EPA “in almost every form,” leaving only “little tidbits” intact. As Oklahoma attorney general since 2010, Pruitt also has been a key EPA adversary, suing the agency more than a dozen times to challenge its legal authority to regulate such things as mercury pollution, smog and carbon emissions from power plants.

E&E News

<http://www.eenews.net/greenwire/2017/03/02/stories/1060050847>

Green success stories critical to budget battle — Pruitt

By Kevin Bogardus and Emily Holden 3/2/17

U.S. EPA Administrator Scott Pruitt pleaded with mayors this morning to share their environmental success stories with his agency.

The newly minted agency chief spoke to the U.S. Conference of Mayors in Washington, stressing that he wants to protect certain EPA programs from budget cuts proposed by President

Trump. The White House blueprint would cut EPA's budget by nearly a quarter, or roughly \$2 billion, and lay off 3,000 employees, which would leave several agency initiatives in limbo.

In his talk with mayors, Pruitt cautioned that the budget process was just starting.

"There are some concerns about some of these grant programs that EPA has been a part of historically," Pruitt said. "I want you to know that with the White House and also with Congress, I'm communicating the message that the brownfields program, the Superfund program, water infrastructure ... state revolving funds are essential to protect."

The EPA administrator said mayors have success stories with those cleanup programs such as brownfields and Superfund. They should share those stories with his agency as budget talks commence.

"There are tremendous successes all over the country," Pruitt said. "I want to hear from you about those successes. I want to be able to share those with the White House."

Pruitt said those programs lead to job creation as well as benefits to the community and the environment.

The EPA chief also noted that he has been invited to be part of the president's team on infrastructure and will be heading to the White House this afternoon to discuss the issue.

"We have a water infrastructure issue right now for us in this country," Pruitt said. "I want to hear from you on your needs with respect to water infrastructure."

In his early days as agency head, Pruitt has talked up the importance of clean water and cleanup programs. Today, he also discussed working with mayors to take down air pollution, noting there are still several nonattainment areas in the country that do not meet national air quality standards.

"I look forward to partnering with you in the future," Pruitt said.

State agencies stand ready to work with Pruitt at EPA.

"Our members realize this is the beginning of the conversation for FY2018 budget, and will look to engage with U.S. EPA, Congress and the White House to highlight recent success stories and the need for cooperative approaches to core Clean Air Act responsibilities," said Clint Woods, executive director of the Association of Air Pollution Control Agencies, in a statement to E&E News.

Nevertheless, Trump's budget cuts proposed for EPA have been meeting pushback on Capitol Hill as well as from agency employees.

Sen. Tom Carper (D-Del.), ranking member on the Senate Environment and Public Works Committee, said earlier this week that the proposed budget cuts "will put people across this country at risk for illnesses or even premature death." In addition, EPA Region 5 employees,

based in Chicago, were slated to protest this afternoon against the president's budget plan.

Some feel, however, that the Trump administration could change course, given the budget process has only just begun.

Jim Brainard, the Republican mayor of Carmel, Ind., and an outspoken supporter of fighting climate change, said he's "cautiously optimistic" that the president's views on climate change and environmental protection could change.

"Like so many things, the president started out, he hadn't been in government, he hadn't studied a lot of the issues," Brainard said. "We've seen him do 180s on several issues at this point."

He said he's hopeful because the president's daughter Ivanka and son-in-law, Jared Kushner, seem to support the environment. Brainard was also pleased that Pruitt asked for examples of the successful use of EPA funds to clean up brownfields.

"I haven't met a Republican or Democrat yet that wants to drink dirty water or breathe dirty air," Brainard said.

"I think we start to take into the equation the health cost of dirty air, the ozone issue that the administrator mentioned, there may be an opportunity to change minds at the White House."

Brainard said he thinks the administration is wrongfully looking to slash agency funds in order to reduce taxes and boost defense spending.

"I think they're looking to support this proposal, which may not have been well thought out, to cut taxes. They've got to look at every function of government and then combine that with the increase they want to give to the U.S. military," Brainard said. "I'm not sure the math works even in the best of cases."

E&E News

<http://www.eenews.net/greenwire/2017/03/02/stories/1060050820>

Wetlands scientists defend WOTUS with letter, brief

By Ariel Wittenberg 3/2/17

Seven scientific societies are speaking out against President Trump's executive order targeting the contentious Clean Water Rule.

Representing more than 200,000 members total, the Society of Wetland Scientists, Ecological Society of America, American Institute of Biological Scientists, American Fisheries Society, Society for Ecological Restoration, Society for Freshwater Science and Phycological Society of

America wrote a letter arguing in favor of the regulation.

"As non-profit organizations, we support and foster sound science, education, restoration and management of wetlands and other aquatic resources," the letter says, adding that the regulation was written "using the best available science."

Finalized by the Obama administration in May 2015, the Clean Water Rule, also known as the Waters of the U.S. rule, or WOTUS, caught the ire of farmers, land developers and energy companies.

The law was stayed in a federal court following multiple legal challenges, including one brought by now-U.S. EPA Administrator Scott Pruitt when he was Oklahoma attorney general.

On Tuesday, President Trump signed an executive order directing EPA and the Army Corps of Engineers to review and possibly rescind or replace the regulation (E&E News PM, Feb. 28).

The letter from the societies accompanies an amicus brief they filed in the 6th U.S. Circuit Court of Appeals to support a brief filed by the Obama administration defending the regulation earlier this year. That case has been stayed pending a Supreme Court review of whether it has jurisdiction over the regulation (Greenwire, Jan. 13).

In their letter, the organizations describe the ecological importance of wetlands, which can remove otherwise harmful nutrient pollution from water, as well as the benefits wetlands provide to humans.

"They store water, and thus are a source of water during times of drought," the letter says. "Many wetlands soak up runoff and floodwaters, which reduces peak flood-flows and avoids costly flood damage."

The Daily Caller

<http://dailycaller.com/2017/03/02/trump-orders-epa-to-zero-out-global-warming-programs/>

Trump Orders EPA To 'Zero Out' Global Warming Programs

By Michael Bastasch 3/2/17 10:08 AM

The White House is pushing for significant cuts to EPA programs and staff levels, giving a glimpse of how the Trump administration plans on devolving more control to the states.

The budget plan sent from the Office of Management and Budget (OMB) to EPA leadership calls for eliminating dozens of programs, including at least 16 that have to do with global warming and implementing former President Barack Obama's climate agenda.

OMB also requested a 30 percent cut in grants to states and a 20 percent reduction in EPA's workforce through buy-outs and layoffs. In total, President Donald Trump is calling for a roughly 25 percent cut to EPA's budget — about \$2 billion.

The cuts are laid out in a letter sent by William Becker, the executive director of the National Association of Clean Air Agencies (NACAA), to his group's member state and local regulators. Becker said NACAA received the "pass back" budget information sent from OMB to EPA Monday, according to InsideEPA.

Here are all the programs NACAA said OMB wants "zeroed out":

Alaska Native Villages Beach and Fish programs Brownfield projects

Clean Power Plan implementation

Climate Voluntary partnership programs < there are 14 separate ones

Diesel Emissions Reduction Act Endocrine grants Energy star grants

Environmental education Environmental justice

Geographical programs for lake [Champlain], L.I. Sound, S.F. Bay and South Florida

Global Change Research Mexico Border grants Multi-purpose grants

Office of Public Engagement Radon Star Research grants

Small minority businesses State indoor radon Targeted air shed grants

U.S. Mexico Border Water Sense

Democrats and environmentalists have opposed Trump's budget cuts, and EPA union leaders are hemming and hawing about cutting staffing levels. Even some Republicans aren't on board with cutting so much from EPA's budget.

"They are operating at 1989 staffing levels. So you really want to be sure you are not cutting the meat and muscle with the fat," Oklahoma Republican Rep. Tom Cole, who is on the House Committee on Appropriations, told Inside EPA.

"There's not that much in the EPA, for crying out loud," California Republican Rep. Mike Thompson told The Washington Post. Thompson formerly chaired the appropriations committee's subcommittee dealing with EPA.

What's unsurprising is Trump wants to get rid of more than a dozen global warming programs at

EPA, including funding to implement the Clean Power Plan (CPP)

Trump promised to repeal Obama's "Climate Action Plan" — the CPP is the linchpin of the former president's climate agenda. The CPP limits carbon dioxide emissions from new and existing power plants.

EPA Administrator Scott Pruitt helped lead a coalition of 28 states to overturn the rule while he was attorney general of Oklahoma. Trump is preparing to sign an executive order to rescind the CPP, so it's not surprising they'd cut funding for its implementation.

WaPo reported EPA's "Office of Research and Development could lose up to 42 percent of its budget, according to an individual apprised of the administration's plans."

The budget plan "eliminates funding altogether for the office's 'contribution to the U.S. Global Change Research Program,'" according to WaPo.

One area of concern, however, is the reduction in state and tribal grants for infrastructure and environmental clean-up. The Environmental Council of the States (ECS) sent a letter to EPA and OMB urging them not to cut those programs.

ECS wrote that "cuts to [state and tribal] categorical grants, or to EPA programs operated by states, will have profound impacts on states' ability to implement the core environmental programs as expected by our citizens."

More than 90 percent of EPA programs are carried out by state environmental regulators. That's something that concerns Pruitt, who promised to push back against OMB and preserve grants to states.

"I am concerned about the grants that have been targeted, particularly around water infrastructure, and those very important state revolving funds," Pruitt told E&E News Tuesday.

"What's important for us is to educate OMB on what the priorities of the agency are, from water infrastructure to Superfund, providing some of those tangible benefits to our citizens," Pruitt said, "while at the same time making sure that we reallocate, re-prioritize in our agency to do regulatory reform to get back within the bounds of Congress."

Agri-Pulse

<https://www.agri-pulse.com/articles/8981-pruitt-epa-rewrite-will-limit-reach-of-wotus-rule>

Pruitt: EPA rewrite will limit reach of WOTUS rule

By Philip Brasher 3/1/17

WASHINGTON, March 1, 2017 - The EPA will write a new definition of “waters of the United States” that is less expansive than the Obama administration’s rule that the agency is withdrawing, EPA Administrator Scott Pruitt said today in an exclusive Agri-Pulse interview.

Pruitt declined to estimate how long it would take for the agency to write a new WOTUS rule, which spells out what wetlands, streams, ditches and other land features are regulated by the Clean Water Act.

But the Trump administration is shifting away from using a legal approach followed by the Obama rule that appeared to extend the law’s jurisdiction to some wetlands and other areas that were not considered regulated before.

The Obama rule “defined waters of the United States so broadly ... that there really weren’t any boundaries between federal and state jurisdiction,” said Pruitt, who as Oklahoma’s attorney general filed one of several lawsuits against the rule.

“Federal jurisdiction usurped and displaced state jurisdiction. So that needs to be fixed. We need regulatory certainty around that, so that’s what we’re going to seek to achieve.”

Pruitt, who is in his second week on the job, also said that he wanted to accelerate the approval process for pesticides and industrial chemicals and was seeking to protect from spending cuts EPA’s funding programs for water infrastructure.

“We’re already in discussions on how to” speed the approval process for pesticides and chemicals, he said. “It’s absolutely a commitment that I’m seeking to establish,” he said.

The White House is planning deep cuts in non-defense discretionary spending at EPA and across the government. According to reports, the White House may propose slashing EPA’s \$8 billion budget by 24 percent alone. Pruitt said it was too soon to say what areas at his agency would be reduced. The state and tribal grant programs alone that he wants to protect account for 42 percent of EPA’s total budget.

In a White House ceremony with President Trump on Tuesday, Pruitt signed an advance notice of proposed rule-making (ANPR) that starts the process of replacing the Obama administration’s WOTUS rule.

The new rule will be developed in conjunction with the Army Corps of Engineers, which shares responsibility for enforcing the Clean Water Act. The new administration wants to limit the law’s jurisdiction to how it was interpreted by the late Justice Antonin Scalia in the Supreme Court’s 2006 Rapanos decision. Scalia said the law grants jurisdiction only over “relatively permanent bodies of water.”

The Obama administration had been adhering to a separate opinion written by Justice Anthony Kennedy that said wetlands and other water bodies with a “significant nexus” to navigable waters also were subject to jurisdiction under the water law. Scalia’s opinion was signed by the court’s other three conservative justices at the time. Kennedy sided with them in the outcome of

the case but wrote his separate opinion.

Pruitt said Kennedy's "significant nexus" terminology entailed a subjective approach to defining federal jurisdiction. It "provided no objective criteria. It's a case-by-case review. That's the poorest form of rule-making. Rule-making and regulations ought to provide a framework ... for people to make decisions, allocate resources and know what's expected of them," he said.

So, the new rule will be less expansive than the Obama rule? "Yes, yes," he replied.

Obama's EPA "so expanded jurisdiction of the Clean Water Act that it just made it a statute like Congress never intended it to be. They never intended the EPA to have ... jurisdiction over puddles and dry creek beds across the country," he said.

"That has to be fixed going forward, and that means the Kennedy definition is something that doesn't provide" the necessary clarity, he said.

The Obama rule included language for making case-by-case determinations of whether streams or wetlands would be deemed tributaries of a navigable waterway. "Significant nexus" was broadly defined in the rule as meaning a wetland or other water body that "significantly affects the chemical, physical, or biological integrity" of a navigable waterway. A wide variety of wetland functions could have met the definition, ranging from sediment trapping to the presence of waterfowl.

Environmentalists dispute the Trump administration's criticism of the rule. The rule was "grounded in science and law" and was "developed over many years, after more than 1 million public comments," said Rhea Suh, president of the Natural Resources Defense Council. "We all rely on healthy wetlands to curb flooding, filter pollutants, support fish, waterfowl and wildlife, and feed our rivers and lakes."

Because Pruitt was tied up with the WOTUS issue, he said he was unaware of a kerfuffle that erupted in the renewable fuels industry on Tuesday when rumors surfaced that Trump would issue a "not negotiable" executive order that would change the point of obligation under the Renewable Fuel Standard. Refiners are lobbying EPA to shift the responsibility for meeting biofuel usage mandates to fuel marketers.

Tuesday's reports indicated that the executive order would have changed the point of obligation in exchange for administrative assistance on a Reid vapor Pressure (RVP) waiver that would allow E15 – a gasoline blend with 15 percent ethanol – to be sold during the summer months.

EPA is reviewing comments on the issue. "I've not seen any kind of summary from our office on that process yet," he said.

Politico

<https://www.politicopro.com/energy/story/2017/03/pruitt-hints-at-pushback-on-white-house-proposals-to-slash-water-grants-brownfields-150236>

Pruitt vows to protect water grants, brownfields programs White House wants to slash

By Alex Guillen 3/2/17, 10:54AM

EPA Administrator Scott Pruitt said Thursday that he wants to protect state water grants as well as the brownfield program, despite the White House's proposal to slash state grants and zero out the clean-up program.

Pruitt did not directly discuss the White House's proposed cuts included in the "pass-back" budget sent to EPA this week, but asked a gathering of mayors to help him convince the administration not to seek major cuts to those key programs.

He specifically discussed the twin state revolving funds for drinking water and clean water that make up around \$2 billion of EPA's annual budget, as well as the nascent, and relatively small, Water Infrastructure Finance and Innovation Act program.

"States across the country, cities and town across the country, have relied upon those grants for a long, long time to improve water infrastructure," he told a gathering of the U.S. Conference of Mayors. "We have a water infrastructure issue right now across this country."

Pruitt said he will attend a White House meeting at 1 p.m. to discuss infrastructure issues, and he assured the mayors that he will make sure the administration considers water infrastructure alongside projects like roads and bridges. Pruitt did not say who he would be meeting with, but President Donald Trump and Vice President Mike Pence are both scheduled to be out of town this afternoon.

Those water infrastructure grants are at the "core" of EPA's mission, along with vital clean-up programs such as brownfields and Superfund, Pruitt said. The White House has proposed zeroing out EPA's brownfields program, which cleans up abandoned industrial sites for new uses.

"I want to be able to share [with the White House] that the investment in that brownfields

program needs to be enhanced and strengthened because it truly goes to job creation, benefits for the community and environmental benefits as well,” Pruitt said.

Pruitt did not mention EPA’s air grants, which are worth hundreds of millions of dollars each year for states to monitor and improve air quality, but he did note that significant swaths of the U.S. do not meet the ozone standard.

An EPA spokesman told reporters after Pruitt’s appearance that Pruitt’s mention of non-attainment issues shows he considers it an important issue. “That’s a topic that we’re going to have to get into and that is being discussed inside the EPA right now internally, how we work on air grants,” the spokesman said.

“There’s a purpose behind his words. He wants to make clear that there are certain things that EPA does that the mayors and their constituencies’ needs, and Congress and their constituencies need and want, that is good for jobs, the economy, the environment,” the spokesman added.

CNN

<http://www.cnn.com/2017/03/02/politics/epa-programs-donald-trump-budget/index.html>

Source reveals EPA programs Trump’s budget could cut

By Rene Marsh and Eli Watkins 3/2/17, 8:00AM

Washington (CNN)A wide slew of Environmental Protection Agency programs could be under the knife to meet President Donald Trump's budget proposal requirements, a source told CNN Wednesday night.

The source spelled out details of an Office of Management and Budget proposal that would cut the EPA's budget by 24% and reduce its staffing by 20%. Some of the EPA's most longstanding and best-known programs are facing potential elimination -- including initiatives aimed at improving water and air quality as well as a number of regulations tasked with reducing the nation's greenhouse gas emissions.

Other programs include the Environmental Justice program, which is meant to help local communities grapple with environmental concerns, and Global Change Research, a program funded by several agencies, including the EPA, which reports humans' impact on the planet.

The Clean Power Plan, which could also be recommended for cuts, was an initiative by former President Barack Obama meant to reduce carbon emissions from each state. Fourteen separate EPA partnership programs to reduce greenhouse gas emissions could also be on the chopping block.

Also among the programs up for elimination are multi-purpose grants to states and tribes, Energy Star grants, Science to Achieve Results (STAR) graduate fellowships, the Diesel Emissions Reduction Act and initiatives aimed at environmental protections along the US-Mexico border.

Some of the grants recommended for elimination could be matching grants for local projects around the country, the source added.

Ken Cook, the head of the Environmental Working Group, an advocacy and research organization, told CNN in a statement: "The Trump administration has decided fence-line communities across the country, whose residents already bear an outsized burden from pollution, are on their own to take on big polluters."

The EPA did not return a request for comment about the recommendation for budget cuts and staff reduction. CNN has also reached out to the White House for comment.

John Coequyt, a campaign director of the progressive environmental group Sierra Club, called the plan ludicrous and said the administration wouldn't be able to get signoff on these cuts from the legislative side. He also argued that zeroing out the Environmental Justice program, which focuses on fair protection from environmental and health hazards for people of all races and incomes, has racial motivations.

"To cut the Environmental Justice program at EPA is just racist," he said. "I can't imagine it's an office that runs up much cost. I can't describe it in any other terms than a move to leave those communities behind. I can't imagine what the justification would be, other than racism."

The sizable cuts won't play well around the country, he added.

"States and Congress won't go for this. They are proposing cutting programs that are connected to jobs in states and programs that address environmental issues," Coequyt said.

The Trump administration has put together a budget calling for an more than \$50 billion increase in defense spending and an equal cut to non-defense spending to make up the balance. Trump's budget director, OMB chief Mick Mulvaney, unveiled the proposal Monday at the White House, and a source told CNN to expect calls for substantial cuts to the State Department and the EPA.

Asked by CNN's Wolf Blitzer on Tuesday about possible cuts, newly-minted EPA administrator Scott Pruitt said it is "very important to protect" grants that are meant to help states with water infrastructure, and he believes the EPA has a "very important role" managing air and water quality across the country. Still, he tried to reassure those concerned about potential budget cuts and layoffs, saying the process is ongoing.

"What we need to realize is this is the beginning of the process, not the end of the process," Pruitt said.

The source who told CNN about the plan pointed out that Pruitt was so far the only permanent political employee at the agency.

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n an interview Tuesday evening with E&E, an environmental policy-focused news outlet, Pruitt said he is concerned about cuts to grants and that he has spoken to Mulvaney about them.

"I am concerned about the grants that have been targeted, particularly around water infrastructure, and those very important state revolving funds," Pruitt said.

Pruitt was previously the Oklahoma attorney general and led lawsuits against the EPA during the Obama administration. Emails released after his confirmation to lead the EPA showed behind-

the-scenes collaboration with oil industry officials. Despite his past statements on climate science, Pruitt said at his confirmation that he did not believe climate change was a "hoax." However, he said climate change needs more debate, even though the overwhelming scientific consensus has said humanity is warming the planet through its release of carbon dioxide and other greenhouse gases.

The Hill

<http://thehill.com/policy/energy-environment/321979-epa-chief-defends-grant-programs-wh-is-eyeing-for-cuts>

EPA chief defends grant programs WH is eyeing for cuts

By Devin Henry 3/2/17 10:31 AM

Environmental Protection Agency (EPA) Administrator Scott Pruitt says he is urging the White House not to cut funding for several grant programs the Trump administration has targeted.

The White House is considering cutting a host of programs as part of an effort to slash the EPA's budget by up to a reported 24 percent.

Among those programs are grants for clean-up work at brownfields industrial sites and other grant programs for states, which Pruitt said Thursday should be protected.

"In this budget discussion that's ongoing with Congress, it's just starting, so there are some concerns about some of these grant programs that EPA has been a part of, historically," Pruitt told a gathering of mayors in Washington on Thursday.

"I want you to know that with the White House and also with Congress, I am communicating a message that the brownfields program, the Superfund program, water infrastructure ... are essential to protect."

Pruitt said funding for the superfund program, which aims to restore contaminated areas of the country, and clean-up at brownfields, former industrial sites too polluted for redevelopment, are priorities for him, and areas of the budget he will aim to protect in spending discussions.

"I want to be able to share that the investment with the brownfields program needs to be enhanced and strengthened because it truly goes to job creation, benefits to the community and environmental benefits, as well," he said

In a short speech to the mayors, Pruitt did not address other programs that are on the Trump administration's chopping block, including climate change funding.

The reported budget proposal for the EPA — a potential \$2 billion cut to the agency's \$8.1 billion budget — received mixed reviews on Capitol Hill this week. As expected, Democrats lambasted the idea, but some key Republicans were skeptical of it as well.

Pruitt told the mayors he also wants to help localities cut ozone levels to within the limits set by the EPA. He said he will push the White House to include water infrastructure in any construction package the Trump administration might put together this year.

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http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106482438&vname=dennotallissues&wsn=49856250

Proposed EPA Cuts Incense State Funding Proponents

By Sylvia Carignan 3/2/17

Environmental activists and former EPA staffers are shocked about proposed deep cuts to the agency's grants to states and skeptical those cuts can survive congressional scrutiny, while some Republicans say reining in EPA's budget is necessary.

Under a proposal from the Office of Management and Budget that circulated March 1 among environmental activists and associations, the Environmental Protection Agency could cut its grants to states by 30 percent in fiscal year 2018, putting about 20 grants on the chopping block.

The cuts are subject to congressional approval. The EPA has one day, March 1, to protest the suggestions.

Bill Becker, executive director of the National Association of Clean Air Agencies, sent an email to members March 1 about the proposed cuts.

The EPA has not verified the information in the email and has not provided responses to Bloomberg BNA's questions about the budget.

The proposal identified at least 22 grants and programs that would not be funded in fiscal year 2018, including those for the agency's Brownfields program, Energy Star, environmental justice, climate change research and health research.

The budget proposal also includes a 20 percent cut in EPA staff. The EPA's overall budget could be cut by 25 percent.

Contradicting Pruitt's Promise

“What people don't understand is a substantial portion of EPA resources go either directly to states, or what's technically called STAG,” the agency's State and Tribal Assistance Grants, said Mathy Stanislaus, former assistant administrator for the EPA's Office of Land and Emergency Management.

Those grants have been the largest part of EPA's budget request in past years. They formed about 40 percent of the agency's fiscal year 2016 and 2017 budgets. About \$3.3 billion of EPA's fiscal year 2017 budget was allocated for STAG.

The grants help states and tribes comply with EPA regulations and fund environmental projects. But the cuts contradict EPA Administrator Scott Pruitt's promise to place more control in states' hands, Becker said.

“We were expecting state grant programs were going to increase,” he told Bloomberg BNA. “Now we just have no idea what Congress is going to do.”

Gutting Brownfields Funding

Stanislaus said the decision to cut Brownfields grants doesn't align with Pruitt's or President Donald Trump's priorities.

“This does not make any sense,” he told Bloomberg BNA. “The Brownfields program is one of those programs that provides resources for local communities for economic development.”

The Brownfields program is currently funded at \$80 million, though President Barack Obama asked for the program to get an additional \$10 million in his most recent request. According to Becker's email, Brownfields grants would be cut to zero in fiscal year 2018.

Sue Boyle, head of the New Jersey Licensed Site Remediation Professional Association, said local officials are trying to figure out what that could mean for them.

“Everybody in my line of work has been trying to read the tea leaves,” she said.

In New Jersey, state-offered brownfields grants outnumber federal ones, she said. Cutting federal money may persuade grantees to seek grants at the state level.

“There are going to be states where the state programs are utilized even more than they were,” if federal funding is slashed, she said.

Larry Schnapf, chair of the Environmental Law section of the New York State Bar Association, said he doesn't think the federal brownfields cuts will make it through Congress. Cutting brownfields grants, which have enjoyed bipartisan support in past years, is “contrary to 20 years of federal policy,” he said.

“I just think this is budget cutters that are just looking for areas to trim, and I think there will be

significant opposition,” Schnapf said.

Gone for Good?

Some of the programs listed have been left off past Democratic- and Republican-proposed budgets. In some cases, the agency cuts back on certain programs with the expectation that Congress will boost the numbers in the appropriations process. The popular clean water and drinking water state revolving funds, grants to state-run loan programs for rebuilding old water systems, are one example.

But Becker doesn't think Congress will revive the programs targeted in the budget document.

“You don't play games with that, especially in a budget period when there's going to be immense competition among budget programs,” he said. “I don't think they're playing that game assuming that Congress is going to fund programs.”

Tom Cole (R-Okla.), a member of the House Appropriations Subcommittee on the Interior Environment and Related Agencies, is concerned about some of the proposed EPA-wide cuts.

“When you're talking about cuts of that magnitude, you really are going to make (a) tremendous difference,” he said.

But Hal Rogers, (R-Ky.), a House Appropriations member and former chairman, said the agency still has fat to trim.

“I think EPA could stand the cuts. We've cut them back to 1989 staffing levels, but I still think they've been overextending their authority, even all the while,” Rogers said.

Marked for Cuts

Several of the programs on the list, including the Diesel Emissions Reduction Act grant program, were also targeted for funding cuts or elimination under the Obama administration.

Congress generally rejected Obama's proposed cuts to popular environmental grant programs, and in some cases, provided additional funding.

The DERA program, which funds projects to upgrade or replace older, higher-emitting diesel engines, is one of the EPA programs that saw its funding levels increase in recent years. The program's current annual funding level is \$50 million, compared to \$20 million in both fiscal 2013 and 2014.

Pruitt has indicated support for the DERA program. He said in a Feb. 24 statement announcing the grant that the EPA was “thrilled” to provide a \$1 million grant to Alabama that will be used to replace a diesel-powered ferry with a 100 percent electric ferry.

“This is a tremendous example of how EPA collaboration with state partners can produce

environmental as well as economic benefits,” Pruitt said. “These grants provide not only environmental and health benefits by eliminating exposure to diesel exhaust, but cost-effectiveness as well.”

Reliance on Federal Funds

The Association of Clean Water Administrators, which represents state and interstate water pollution agencies, hasn't been able to verify the cuts, but told Bloomberg BNA that their members rely heavily on state and tribal grants. For instance, the Clean Water Act's Section 319 grants are used to address nonpoint sources of pollution, such as agricultural runoff containing nitrogen and phosphorus that cause algae blooms and subsequent fish kills.

“Robust STAG funding is essential to implementation of environmental programs delegated to states, and significant cuts to state funding would seem to counter the messaging from the administration that states and EPA ‘are partners’ in carrying out the work of protecting public health and the environment,” Julia Anastasio, the association's executive director and general counsel, said when asked about the impact of the cuts.

The largest chunk of the state and tribal grants includes money for the state revolving funds for drinking water and clean water programs that provide a combination of low-interest loans and grants to municipalities to repair, rehabilitate and rebuild aging water infrastructure.

Pruitt told Bloomberg BNA he has been quietly pushing the White House to set aside funding for water infrastructure, but it is unclear how much of a priority that will be for the agency.

Ironically, Trump pledged during his campaign and after his election to triple these funds to the levels enacted in 2009 in his quest to improve and rebuild the nation's crumbling infrastructure.

In prior years, the Obama administration has proposed to zero out grants to monitor water quality at beaches, but Congress has always restored it during the appropriations process.

It is unclear, however, whether the Trump administration is proposing cuts to the beach grants program or some other research program within the EPA.

A year ago, Obama requested about \$9.6 million in his fiscal 2017 budget to improve the water quality in the Long Island Sound in New York, Lake Champlain in Vermont, San Francisco Bay and South Florida. Congress, in response, appropriated \$14.8 million for all three programs.

Little Change for Chemicals

Lynn Bergeson, managing partner of Bergeson & Campbell PC, a Washington, D.C.-based law firm that specializes in chemical and pesticide regulations, told Bloomberg BNA this is good news for the EPA's Office of Chemical Safety and Pollution Prevention Office, which oversees both chemicals and pesticides.

The OMB did not recommend any cuts to either the chemicals or pesticides offices, she said.

That gives the EPA flexibility. Given the Trump administration's priorities, the agency could choose surgical cuts in the budgets and staff within the air and water offices, while ensuring the chemicals and pesticides program have the resources they need to function, Bergeson said.

Both the chemicals and pesticides office are starved for staff right now, given the attrition that occurs at the end of every administration, she said.

Cuts in the chemicals program are not sustainable if the EPA is to deliver the enhanced chemical oversight Republicans and Democrats approved when they amended the Toxic Substances Control Act in 2016, Bergeson said.

Jack Pratt, chemicals campaign director at the Environmental Defense Fund, told Bloomberg BNA: "You can't burn down my house and still expect me to cook dinner just because the kitchen's still standing."

"These type of drastic funding cuts would hobble the agency across the board and would be certain to affect every program, even the ones not specifically targeted," Pratt said.

But he said a lot of work remains ahead.

"We are hopeful that the more responsible voices on both sides of the aisle will see this for what it is: a press release budget that might play well in certain circles, but will be dead on arrival in Congress," he said.

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Executive Order on Clean Power Plan Next Week, Per White House

By Ari Natter 3/2/17

President Donald Trump plans to issue an executive order instructing the EPA to begin re-doing the Clean Power Plan and overturn a federal moratorium on new coal leases on federal lands next week, White House spokeswoman Kelly Love said in an email.

Environmental Protection Agency Administrator Scott Pruitt, an opponent of the Clean Power Plan, had suggested an executive order directing the agency to begin the work to rescind the carbon dioxide emissions limits on power plants was imminent during a recent speech at the Conservative Political Action Conference.

"We have to send a message across the country that we're going to provide certainty by living within the framework Congress has passed," Pruitt said. "So we're going to see regulations rolled

back that aren't consistent with that—[Waters of the U.S.], Clean Power Plan, the methane rule.”

Trump just directed the EPA to rescind another Obama EPA rule intended to determine the jurisdiction of the Clean Water Act as the new administration aims to roll back burdens on industry groups, particularly the fossil fuel industry.

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Pruitt Sees Glimmer of Hope for Water Infrastructure in Trump Speech

By Dean Scott 3/2/17

President Donald Trump barely mentioned clean water but did talk a lot about infrastructure in his speech to Congress Feb. 28—enough to assure the new head of the Environmental Protection Agency that U.S. water projects won't be an afterthought in Trump's \$1 trillion infrastructure spending effort.

“I think infrastructure at times is interpreted only as roads and bridges,” Scott Pruitt, who was confirmed to head the agency less than two weeks ago, told Bloomberg BNA after Trump's address to Congress.

Pruitt said he has been quietly urging the White House to be sure to set aside some of the new funding Trump is readying for transportation and other infrastructure; Trump vowed to find \$1 trillion in combined public and private money.

“One of the things I've tried, in communicating to the White House, is that when we talk about infrastructure spending outside of the budget this year, water infrastructure needs to be part of that,” Pruitt said in an interview.

“It's a key aspect of how we do business with the states,” Pruitt said. States rely heavily on federal dollars for water infrastructure improvements: Since 1987, according to EPA figures, the federal Clean Water State Revolving Fund has provided more than \$118.8 billion in funding and loans to local communities for water projects.

In addition, the Association of Metropolitan Water Agencies has estimated that the nation's water infrastructure needs could increase by as much as \$944 billion by 2050.

A Telling Reference to ‘Clear’ Water?

It remains unclear, however, how much of a priority infrastructure will be. Trump and Congress currently are wrestling with a crowded legislative agenda that includes confirmation of his Cabinet and other officials as well as the Affordable Care Act and fiscal 2018 budget.

It's also unclear how a bigger emphasis on water projects would be squared with Trump's broader budget priorities, which reportedly include deep cuts in the EPA's budget of roughly \$8 billion. Overall, Trump said little in his first speech before a joint session of Congress on the environment and water issues beyond pledging to work with both parties "to promote clean air and clear" water.

But Pruitt saw a connection. "I think [a] clean air and water reference in the speech is encouraging, but we've got work to do with respect to our team" in elevating the importance of water projects to the White House, Pruitt said.

Infrastructure spending "after all, is very essential to our water quality, as you know," Pruitt said. "And that's something I hope to build and to advance to the White House with success—through infrastructure spending."

Pruitt didn't seem overly concerned about one big omission in Trump's speech—any reference to solar, wind or other renewable energy; in fact, the president never actually uttered the word "energy" in his hour-long speech.

Trump also didn't mention the Flint, Mich., water crisis due to lead contamination in the community's drinking water, though he said the U.S. has lost its way in funding one "global project after another" while ignoring "the fates of our children in the inner cities" of Chicago, Baltimore and Flint's neighboring city, Detroit.

Silence on Renewable Energy

Pruitt—who was seen by Democrats and environmental groups as too friendly to industry in repeatedly suing the EPA during his previous post as Oklahoma attorney general—said the omission of any clean energy reference wasn't surprising.

"Look, I didn't take anything from that, you know, that part of what he said tonight was [Trump] being anti-renewable energy," Pruitt said.

The president did refer to energy-related projects, such as his efforts to restart the Keystone XL pipeline. But the president steered clear of any mention of climate change, and the absence of a line or two on clean energy was a departure from what had been reliable applause lines in such speeches for President Barack Obama but also George W. Bush.

"What the president has said, and I think it's right, is that historically we shouldn't use regulatory policy to pick winners and losers" in pitting renewable energy against other sources such as natural gas and coal, Pruitt said.

"I mean, in my state of Oklahoma, we are in the top three of the country in providing electricity through renewable energy like wind, and that's a good thing," the EPA head said.

Utilities that generate electricity should be able to make "a market-based decision" in choosing

their energy mix, Pruitt said.

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White House Said to Propose 25 Percent Cut in EPA Budget Plan

By Ari Natter and Christopher Flavelle 3/2/17

The White House has recommended cutting the Environmental Protection Agency's budget by 25 percent and eliminating thousands of jobs and more than a dozen programs, according to an opponent of the budget plan.

The Office of Management and Budget blueprint given to the EPA includes ending programs such as one that protects coastal beaches and another that safeguards homeowners against radon poisoning. Grants to states would be slashed by 30 percent under the plan.

“These are shocking figures,” said William Becker, the executive of the National Association of Clean Air Agencies, who obtained the plan. “These budget cuts would be devastating not only to EPA, but to state and local air pollution control agencies.”

Becker said he received the figures from a government official he declined to identify. The EPA has been asked to suggest alternatives, according to Becker, whose group represents state officials responsible for cutting air pollution. Becker has led the Washington-based group for more than 35 years.

Spokespeople for the EPA and budget office didn't respond to several requests for comment. The budget request President Donald Trump will present to Congress is still weeks away, and so the specific programs and reductions could change.

Still, the document shows the reductions necessary at agencies in order to meet the blueprint laid out this week by Mick Mulvaney, the head of the budget office. The White House said it would propose boosting military spending by \$54 billion, while slashing other departments to offset that increase. The EPA has a budget of about \$8 billion and employs about 15,000 people.

One program set for elimination was set up to help implement the Clean Power Plan, a rule EPA Administrator Scott Pruitt has pledged to dismantle.

The EPA “probably spends a lot of unnecessary funds on promoting a political agenda and it probably needs to be rolled back,” said Rep. Lamar Smith of Texas, who chairs the House Science Committee.

Other cuts appear to run counter to a pledge from Pruitt that EPA grants to states would be

preserved. Instead those grants would slashed by 30 percent under the plan.

“These proposed cuts negate any goodwill Trump may have shown during his congressional address, including his empty promises to promote clean air and water,” Travis Nichols, a spokesman for the environmental group Greenpeace, said in an email.

Another one of the more than 20 programs scheduled for elimination helps native villages in Alaska pay for safe drinking water and wastewater disposal. The state says it will fight to save it.

“I’m trying to reach out to anybody who has any influence on the federal government, to really take a look at not cutting this portion of the EPA,” Katherine Eldemar, director of Alaska’s Division of Community and Regional Affairs, said in an interview.

Cutting the EPA’s budget by nearly a quarter would likely be an uphill battle in Congress, especially in the Senate where Democratic support would be needed for passage.

“I would hope there would be many members of Congress who recognize that whatever policy differences that they had with the agency that is different from the basic organizational integrity of the EPA,” said Stan Meiburg, who served as the EPA’s acting deputy administrator during the Obama administration.

Reuters

<http://www.reuters.com/article/nrdc-epa-idUSL2N1GF0HL>

Environmental group sues EPA over municipal waterway pollution

By Rebecca Beyer 3/2/17 7:33 AM

The Environmental Protection Agency has failed to fulfill its duties under the U.S. Clean Water Act to reduce pollutants in recreational waterways in Los Angeles and Baltimore, the Natural Resources Defense Council claimed in two lawsuits filed this week.

The NRDC petitioned the EPA to address the pollution in the waterways in 2015. Becky Hammer, an NRDC lawyer, said the environmental group was suing now because the agency had taken no action.

Washington Post

<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/02/former-epa->

[scientists-to-trump-evidence-does-not-change-when-the-administration-changes/?utm_term=.e294f76e68ae](#)

Former EPA scientists to Trump: ‘Evidence does not change when the administration changes’

By Chris Mooney 3/2/17 8:00 AM

The Trump administration’s proposal to cut the Environmental Protection Agency is looking dramatic indeed. The plans call for laying off thousands of staff, eliminating entire programs and making deep cuts to the agency’s research office, the Office of Research and Development (ORD), according to recent reporting by The Washington Post.

That’s not to say all of this will happen — or that any of it will. Congress makes the final decisions on funding the government. But it’s a stunning proposal to researchers familiar with the workings of the EPA.

“I think a deep cut would be devastating to the nation’s capacity to do environmental health and ecosystem research,” said Jonathan Samet, a former chair of the agency’s Clean Air Scientific Advisory Committee who is now a professor of medicine at the University of Southern California.

Samet and two other former EPA science officials — Thomas A. Burke, who served as the agency’s science adviser and headed up ORD under President Barack Obama, and Bernard Goldstein, who was EPA’s assistant administrator for research and development under President Ronald Reagan — went even further in a commentary published Wednesday, calling on President Trump to change course and stand up for the agency and science.

“Evidence-based decision making on the environment should not be abandoned,” the two scientists write in a timely essay in the New England Journal of Medicine. “Reasoned action and acknowledgment of scientific truth are fundamental to democracy, public health, and economic growth. Scientific evidence does not change when the administration changes.”

The researchers now all hold academic posts. They describe the EPA’s Office of Research and Development as the “preeminent environmental research organization, a cornerstone of our global leadership in environmental science, and a key player in the training of environmental health scientists.” The ORD had a budget of \$521 million in 2015 with a staff of 1,755.

And the Post reported Wednesday that the administration is considering a proposal to cut this office by “up to 42 percent.”

There are many reasons that would be devastating, Samet said in an interview. One of them is that when environmental crises happen, like the Flint, Mich., or Deepwater Horizon disasters, you need a science infrastructure that’s ready to move. In these crises “that demand research and

environmental surveillance and quickly trying to assess the toxicity of agents, the nation needs the capacity that ORD has,” Samet said.

Samet and his co-authors aren’t the only academic scientists standing up for the EPA right now. Others are reacting to the first of many expected environmental rollbacks — Trump’s executive order this week directing the agency to rescind the “Waters of the U.S.” rule, which sweeps many smaller waterways under the protections of the Clean Water Act.

Seven presidents of scientific organizations representing more than 200,000 members have signed a letter opposing the first of many expected environmental rollbacks: Trump’s executive order this week directing the agency to rescind the “Waters of the U.S.” rule, which would protect many small waterways. The researchers argued the rule was based on solid science when it comes to the understanding of the importance of wetlands and how they relate to larger bodies of water.

The scientific societies weighing in are the Society of Wetland Scientists, the American Fisheries Society, the American Institute of Biological Sciences, the Ecological Society of America, the Phycological Society of America, the Society for Ecological Restoration, and the Society for Freshwater Science.

The more Trump and his administration propose environmental rollbacks and cuts to environmental or other science funding, the more researchers can be expected to speak out. Thousands are expected to march on Washington, and around the globe, on April 22 — Earth Day.

E&E News

<http://www.eenews.net/eedaily/2017/03/02/stories/1060050796>

Proposed budget cuts will be 'devastating' — ex-chief

By Kevin Bogardus 3/2/17

Former U.S. EPA Administrator Gina McCarthy said yesterday that President Trump's proposed budget cuts for the agency would be crippling.

In a television appearance on MSNBC, the former Obama-era agency chief said Trump's plan to cut EPA's budget by a quarter, about \$2 billion, would be "devastating."

"This is actually going to be devastating for the agency's ability to protect public health," McCarthy said.

McCarthy said she understood that the Trump administration was not likely to support former President Obama's efforts to combat climate change, "but this is going to the heart of our air and

water protections."

"This is going to the heart of how EPA protects public health and American families," McCarthy added.

Trump's budget proposal for EPA targets several agency programs, not just climate initiatives, and would reduce the agency's workforce by 3,000 employees.

EPA Administrator Scott Pruitt has said that he has expressed concerns about the budget plan to Office of Management and Budget Director Mick Mulvaney.

"This is early in the process. These are discussions that are occurring with OMB and the executive agencies. I've emphasized the importance of those state revolving funds, of those [Water Infrastructure Finance and Innovation Act] grants, of making sure that we partner with the states in a very good way on water infrastructure," Pruitt said in an interview after Trump's address to the joint session of Congress on Tuesday night (E&E Daily, March 1).

Ex-New Jersey Gov. Christine Todd Whitman (R), who was President George W. Bush's first EPA administrator, also appeared on MSNBC with McCarthy. She said she was "fairly skeptical" of Trump's EPA, given the mixed signals that come from the president.

"It's a little hard to figure out this president, though, because he will say one thing in one minute and then find that some member of his Cabinet is doing something else, which you have to believe is coming from him," Whitman said.

Since his confirmation by the Senate last month, Pruitt has pledged to roll back some environmental regulations, beginning that process with the Waters of the U.S. rule this week, which he sued EPA over as Oklahoma attorney general. He also has doubted whether EPA has the authority to act on climate change.

"If the tools aren't in the toolbox and Congress hasn't spoken on the issue, agencies can't just make it up," Pruitt said Saturday at the Conservative Political Action Conference (E&E Daily, Feb. 27).

Whitman noted that EPA has been authorized by Congress to take action to protect the environment. The former agency chief said EPA had to act on climate change in a response to the 2009 finding that carbon emissions were harmful.

"That happens when you have a finding, let's say, of endangerment as with carbon, which was settled by the U.S. Supreme Court," Whitman said. "That was something that they had to take action. Didn't have a choice."

E&E News

<http://www.eenews.net/eedaily/2017/03/02/stories/1060050798>

GOP bill limits federal jurisdiction of navigable waters

By Ariel Wittenberg 3/2/17

Rep. Mac Thornberry (R-Texas) is hoping to quiet the debate over how far federal jurisdiction reaches under the Clean Water Act, filing a bill yesterday to amend the 1972 law to provide more clarity.

The "Federal Regulatory Certainty for Water Act" (H.R. 1261) would define the term "navigable waters of the U.S." under the Clean Water Act.

Until now, it has been up to U.S. EPA and the Army Corps of Engineers to define the term, which is not defined under the current law.

The topic has been hotly debated in recent years, with the Obama administration issuing its Clean Water Rule, also known as the Waters of the U.S., or WOTUS, rule, in an effort to clarify federal jurisdiction for wetlands and small waterways.

WOTUS was strongly opposed by farmers, land developers and energy companies for what they called federal overreach. Its implementation has been stayed by the courts pending litigation, and President Trump signed an executive order Tuesday directing EPA and the Army Corps to review and possibly rescind or replace the rule.

Thornberry's bill is an apparent direct response to WOTUS, specifically exempting many of the waterways the regulation would have included under federal jurisdiction.

His legislation would define "navigable waters" as waters that are either "navigable in fact" or those that have a permanent or continuously flowing bodies of water that form streams, rivers, lakes and oceans "that are connected to waters that are navigable in fact."

The bill also explicitly excludes waters "that do not physically abut" actually navigable waters through a surface water connection.

"Folks who live and work in our part of Texas, especially the farmers and ranchers, understand the importance of clean water and work hard to be good stewards of the land. This bill will help protect the personal property and water rights that are so fundamental to the American way of life, a family's business, and many people's livelihoods," Thornberry said in a statement.

The legislation would also exclude wetlands, playa lakes, prairie potholes, wet meadows, wet prairies and vernal pools, which were not covered by the Clean Water Act for the past decade and a half until the Obama administration decided in WOTUS that they should be considered for inclusion on a case-by-case basis. WOTUS also would have allowed those water features to be considered as a system, something Thornberry's bill would explicitly prohibit.

In Trump's executive order, he directs EPA and the Army Corps to consider whether a 2006 Supreme Court opinion written by late Justice Antonin Scalia should be used to decide which wetlands and streams are protected under the Clean Water Act.

Doing so would mark a significant change in the government's legal strategy for deciding federal jurisdiction, since both the George W. Bush and Obama administrations instead relied on an opinion by Justice Anthony Kennedy in that same case, *Rapanos v. United States*.

In a 4-1-4 vote, five justices ruled against EPA but split on which approach to use to define government jurisdiction, with Scalia's opinion for the four conservative justices being more limiting than Kennedy's stand-alone opinion.

Scalia, who died last year, argued that the Clean Water Act only applied to "navigable waters" connected by a surface flow at least part of the year. Kennedy said waters must have a "significant nexus" to actually navigable rivers and seas, which could include biological or chemical connections.

Thornberry's bill, however, would potentially be a more limiting definition of "navigable waters of the U.S." than Scalia's opinion.

Not only does Thornberry's bill explicitly exclude wetlands from federal jurisdiction but also excludes tributaries "through which water flows intermittently or ephemerally."

Scalia's opinion on intermittent streams has been subject to much debate in lower courts. While he argued in the body of his opinion that only "relatively permanent standing or continuously flowing bodies of water" should be protected by federal jurisdiction, he wrote in a footnote that his opinion did "not necessarily exclude seasonal rivers, which contain continuous flow during some months of the year but no flow during dry months."

Given the legal uncertainty, bills have been introduced on the issue in each of the past eight congressional sessions, but the legislation has never been signed into law.

Politico

<https://www.politicopro.com/agriculture/story/2017/03/trumps-wotus-order-150061>

Trump's WOTUS order opens up options for EPA

By Annie Snider 3/2/17, 5:02AM

The executive order President Donald Trump signed on Tuesday may show his commitment to undoing the Obama administration's Waters of the U.S. rule, but it doesn't offer many clues about the path his administration will take to try to get there.

Between the battle currently churning in the courts over the rule and the formal rulemaking process that would be needed to unwind it, the Trump administration will need to move cautiously as it calculates its next steps.

The key question is whether the Trump administration's goal is to simply kill the Obama administration rule or try to write its own version that answers the underlying question of how far the Clean Water Act's protections reach.

That decision will be hard to make while several key administration positions sit empty. Scott Pruitt has been EPA administrator for less than two weeks, and he has yet to get a deputy, general counsel or assistant administrator for water, all of whom would be key advisers on how to proceed on the convoluted legal issue. Likewise, the post of assistant secretary of the Army for Civil Works, which oversees the Army Corps of Engineers, is unmanned and likely to remain so for a while, since Trump's pick for the top Army post withdrew his nomination in late February.

Pat Parenteau, a long-time environmental lawyer who now teaches at Vermont Law School, warned that until Pruitt installs own people to manage the review process at the agency, he could face fierce pushback from career staffers who developed the Obama administration rule.

"If he doesn't have a core, a cadre of loyal staff people around him, it's going to take months because I know what this agency is going to do — it's going to slow walk this stuff," Parenteau said.

Revising or rescinding the water rule, as the executive order instructs the EPA and Army Corps of Engineers to do, would require a rulemaking of its own — a process that could be undertaken a few different ways with differing timelines. Shortly after Trump signed the order, Pruitt signed his own Federal Register notice alerting the public that it intends to undertake a review of the rule and at some point in the future issue an advanced notice of proposed rulemaking.

Regardless of whether the Trump administration opts to use that for a straight withdraw of the rule or a major rewrite of it, EPA will have to justify the changes in its final rule and will need

top-notch legal expertise to convince judges to uphold it. Environmental groups and states supportive of the Obama rule are already preparing to challenge the move in court.

Jamison Colburn, a former EPA litigator who now teaches at Penn State Law, said it will be important for the agency to have a clear picture of what its outcome will be before it begins that rulemaking process.

“The Notice of Proposed Rulemaking that goes out is going to control whatever challenges people who are disappointed with the outcome can bring from a procedural standpoint. If it doesn’t adequately signal what the agency’s expected actions are, you’re going to basically help them in their procedural challenges,” he said.

The legal side of the equation will be at least as important as the administrative moves to unwind the Obama rule, given that any changes to the Waters of the U.S. rule will face legal challenges that are almost certain to end up at the Supreme Court.

A Department of Justice spokesman said the agency is still reviewing the new executive order and wouldn’t comment on next steps. But some lawyers involved in the ongoing litigation say Justice Department lawyers have already begun reaching out to parties to the pending cases, feeling out their support for various approaches.

While Trump’s executive order suggests his administration is planning to undo WOTUS through the rulemaking process, the agencies could try to head off environmentalists’ court challenges by asking court justices for a voluntary remand of the rule first. If the Supreme Court agreed and handed the rule back to EPA, the agency could take its time reviewing the rule and deciding what, if anything, it wants to do next.

Going the voluntary remand route would also guarantee that the Obama rule doesn’t go into effect in the meantime — a risk the Trump administration would face if it moves ahead with a rulemaking while the litigation continues to play out.

The 6th Circuit Court of Appeals has blocked implementation of the Obama rule nationwide

while it weighs challenges, but it's not clear whether that court is the proper venue to hear the case. The Supreme Court has agreed to hear arguments relating to the question of judicial jurisdiction.

If the high court proceeds with that case and ends up deciding that challenges should go through district courts first, then that nationwide injunction would be dissolved. That would mean plaintiffs would need to go back to the more than a half dozen district courts where challenges to the Obama rule were filed to ask for a new injunction.

Alternately, Trump's Justice Department could ask the Supreme Court to dismiss the case because the administration is proceeding with a new rulemaking. But there's no guarantee that the court would bite, since most legal experts expect that the question of judicial jurisdiction will end up back before the court before long. Moreover, a move to dismiss would surely be challenged by environmentalists and other supporters of the Obama rule, and even industry groups that oppose WOTUS might not back the move since they, too, know that the venue question eventually needs to be answered.

Add to this legal morass the possibility that the Trump administration will decide to write its own rule dealing with the underlying question of which marshes, bogs and creeks should be federally protected under the Clean Water Act. Such a move would win plaudits from property rights activists and industry groups who have for years been keen to cement a more limited approach to federal power under the 1972 law.

Trump's executive order suggests he's got an appetite for that challenge: It orders the agencies to focus on late Supreme Court Justice Antonin Scalia's opinion in a 2006 case when weighing the extent of federal power under the Clean Water Act. The test Scalia set when writing for the court's four conservative justices would greatly restrict the number of streams and wetlands across the country that receive federal protection.

In that case, *Rapanos v. United States*, Justice Anthony Kennedy sided with conservatives, providing the crucial fifth vote overturning the federal government's broad approach to federal jurisdiction, but set his own test, which a half dozen circuit courts have agreed is the one that must be met. Both the George W. Bush administration and the Obama administration have pegged their regulatory efforts to Kennedy's opinion.

Any move to enshrine a narrower approach to federal water protections based on Scalia's opinion would spark another all-out legal assault, this time from environmental groups.

“If they adopt a rule that significantly weakens the Clean Water Rule, that ignores the science and the law, you can get there will be all kinds of challenges,” said Jon Devine, senior attorney with the Natural Resources Defense Council.

All of these questions leave only one certainty, lawyers say: It will be years before the mass confusion over the scope of federal water protections is any closer to being resolved.

Politico

<http://www.politico.com/story/2017/03/trump-epa-environmental-regulations-235596>

Trump's green assault off to fast start

By Andrew Restuccia 3/2/17, 5:09AM

President Donald Trump is carrying out the most aggressive rollback of federal environmental rules since at least the Reagan administration.

And he's just getting started.

In just 40 days, Trump has made it easier for coal miners to dump their waste into West Virginia streams, ordered the repeal of Clean Water Act protections for vast stretches of wetlands, proposed massive job cuts at the Environmental Protection Agency and prepared to begin revoking the Obama administration's most ambitious climate change regulations.

Trump is also expected to overturn Barack Obama's moratorium on new federal coal leases, and is considering automakers' pleas for relief from a scheduled tightening of vehicle fuel-efficiency standards. Obama's pledge to send billions of dollars to United Nations climate programs is also

likely on the chopping block. And Trump hasn't ruled out withdrawing the United States from the 200-nation Paris climate agreement, a step that could undercut the international effort to confront global warming.

Trump's actions are true to his campaign rhetoric, including his promises to "get rid of" the EPA "in almost every form." They thrill conservative groups like the Heritage Foundation that share his disdain for federal regulations and want Washington to give more control to the states.

But they run afoul of some of Trump's greener post-election head fakes, including a much-publicized meeting in Trump Tower with Al Gore and media speculation that the president's daughter Ivanka might serve as a de-facto climate czar.

Trump's approach alarms environmental advocates and their allies in Congress, who say his early policy moves threaten to pollute the nation's air and water while undermining the future of the planet. They would also hobble agencies like EPA: The spending cuts Trump has ordered would chop nearly 25 percent of that agency's budget, even sharper than the reductions Ronald Reagan oversaw in his first term.

Unlike Reagan, Trump has no Democratic House majority to resist his policies. And decades after Reagan left office, scientists warn that policymakers have little time left to prevent the most catastrophic effects of climate change.

"I would call it the worst environmental disaster of all time if he has the ability to implement the plans which he has outlined," Sen. Ed Markey (D-Mass.) said of Trump.

Even some Republicans are concerned.

"I haven't ever really seen anything quite like this," said Christine Todd Whitman, who served as George W. Bush's first EPA administrator, warning that any effort to weaken enforcement of environmental rules could harm public health. "A lot of that enforcement is protecting people."

The Environmental Defense Fund, which has for decades cultivated relationships with Republican administrations, was so concerned about Trump's agenda that it publicly opposed Scott Pruitt's nomination for EPA administrator, a first for the group. As Oklahoma's attorney general, Pruitt had led legal challenges against a series of major EPA regulations, including a power plant rule that formed the centerpiece of Obama's climate strategy.

"We've worked with every Democrat and every Republican and we've never opposed any Cabinet official, period," EDF President Fred Krupp said in an interview. "That's how far outside the bipartisan environmental tradition the agenda is."

"The very bedrock protections that have led to dramatically cleaner air and a healthy environment through both Democratic and Republican administrations are under attack," he added.

The White House did not respond to a request for comment on this story. But conservatives say it's about time someone started cutting back Washington's tangled environmental bureaucracy.

"In a lot of ways the federal government has bitten off more than they can chew," said Nick Loris, an energy and environment economist at Heritage, which worked closely with Trump officials during the transition. "The Trump administration is undoing a lot of the regulations that the Obama administration put forth that would increase the cost of energy and would really be devoid of any environmental benefit."

At the EPA, one career official said many nervous employees are living by two mantras: "Shelter in place" and "Wait and see." The official said senior career staffers are "being kept out of the loop on major decisions" amid distrust from Trump's political appointees.

"Some folks have zero work," the official said. "Others, who the appointees trust because they are Republican, are getting overtime while their counterparts are dying to get work assignments."

To some long-time environmentalists, Trump's unabashed assault on key planks of Obama's

agenda are especially harrowing.

“Reagan and [George W. Bush] after him made their big moves on Friday afternoon when the media had gone home or cloaked in Frank Luntz cotton-candy phrasing so that only the intended donor beneficiaries would know what was happening,” said Carl Pope, who led the Sierra Club for nearly two decades. “Trump proclaims it in prime time. He's not just trying to change policy. He's trying to eliminate a key phrase in the Constitution: ‘promote the general welfare,’ by changing our public culture.”

At the EPA, some career employees privately draw comparisons between Pruitt and Anne Gorsuch Burford, who drew widespread criticism from environmentalists and Democrats while leading the agency during Reagan’s first term.

Burford — the mother of Trump’s Supreme Court nominee, Neil Gorsuch — slashed the EPA’s budget by 22 percent and once bragged that she cut the agency’s book of clean water regulations from 6 inches thick to a half-inch, according to her Washington Post obituary from 2004. Her tenure included being held in contempt by the House after Reagan ordered her not to turn over records about Superfund cleanups.

At the core of Trump’s approach to energy and environmental issues is a disdain for federal regulation and bureaucracy, paired with a desire to streamline permit approvals. That was the motive behind one of his earliest executive actions, an order commanding federal agencies to rescind two regulations for every one they enact.

Trump has also signed off on congressional repeals of some Obama-era regulations, including an Interior Department rule meant to protect streams from pollution by mountaintop removal coal mining. And this week, he ordered EPA to begin rewriting the Obama administration's sweeping "Waters of the U.S." rule, a move that green groups say could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected from development or pollution.

Next week, Trump is set to sign an executive order that will start the process of unraveling Obama’s most important climate change regulations, aimed at limiting greenhouse gas emissions from coal-burning power plants. Those rules were the centerpiece of Obama’s commitment to other nations that the U.S., the world’s second-biggest carbon polluter, would do its share to

lessen the causes of global warming.

A person familiar with Trump's order said it is expected to emphasize increasing U.S. energy independence and maximizing domestic energy production on federal lands, while eliminating and streamlining regulations. The order will also overturn the Obama administration's 2015 moratorium on new coal leases on federal lands.

The order won't have instant effect: It could take years for EPA to undo the regulations, and the administration will face fierce legal challenges from environmental groups.

Despite Trump's aggressive early moves, some of his advisers are pushing a more moderate approach on environmental policy — chiefly Ivanka Trump and her husband, Jared Kushner. The couple succeeded in removing language criticizing the 2015 Paris climate deal from the president's upcoming executive order, as The Wall Street Journal first reported.

Trump's advisers have not yet fleshed out a detailed position on whether the U.S. should stay in the Paris agreement, according to a person close to the process. Some advisers have argued the U.S. should pull out altogether, a process that would take years under the agreement's rules. Others favor staking out a middle ground, perhaps by staying in the agreement and rewriting the emissions reduction targets that Obama set.

In some ways, the debate is symbolic: None of the carbon reductions outlined in the Paris deal are legally binding. But climate advocates say U.S. leadership is critical to getting other nations to follow through on their pledges — so a pullout could undermine the agreement.

Trump has been equivocal on the Paris deal, saying during the campaign that he would "cancel" the agreement but later saying he has an "open mind." Secretary of State Rex Tillerson said during his confirmation hearing that the U.S. must keep "its seat at the table" for climate talks, but didn't commit to staying in the agreement.

Trump's critics and supporters alike are looking for clues about his future policy moves in his remaining personnel choices.

For example, sources close to the administration told POLITICO the administration is

considering nominating Kathleen Hartnett White, a former Texas environmental regulator who is a vocal skeptic of mainstream climate science, to lead the White House Council on Environmental Quality, a move that would infuriate green groups and signal a continuation of the president's current approach.

But sources said the White House is also considering less divisive candidates for the job. Those include Marty Hall, who was CEQ's chief of staff during the George W. Bush administration and is now an executive at the Ohio-based electric utility FirstEnergy.

In the meantime, though, defenders of the EPA are urging Trump not to ignore the agency's core missions, which are to protect human health and the environment.

"If EPA doesn't provide these protections, no one else will," said William Reilly, the EPA administrator under President George H.W. Bush. "No one else in the government has that mandate. It's EPA or nothing."

Alex Guillén contributed to this story.

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Breitbart

<http://www.breitbart.com/big-government/2017/03/02/farmers-applaud-trump-repealing-epa-water-rule/>

Farmers Applaud Trump for Repealing EPA's WOTUS Rule

By Joel B Pollak 3/2/17

Farmers are applauding President Donald Trump's executive order Tuesday that reverses the Environmental Protection Agency's "Waters of the United States" (WOTUS) rule, which gave the agency virtually limitless authority to regulate water on private land.

Introduced under President Barack Obama, the WOTUS expanded the EPA's interpretation of

the Clean Water Act to include, as Texas Attorney General Ken Paxton said, “almost any piece of land that gets wet and puddles.”

The Clean Water Act was intended to apply to “navigable” waters, but WOTUS interpreted that extremely broadly, so that it included waters with a “significant nexus” with navigable waters — in other words, taking in water that might eventually flow into navigable waterways.

The result was that the EPA could theoretically regulate everyday farming operations.

The Los Angeles Times notes that “farmers knew the cavalry was coming to their rescue on election night” because they expected Trump to repeal WOTUS. And on Tuesday, just hours before his first address to a special joint session of Congress, he delivered on those expectations.

The Times adds: “Trump had been uncharacteristically specific during his campaign about reversing the rules, and calls to ‘Repeal WOTUS’ were as common a rallying cry among growers as ‘Build the Wall’ was to his followers in rural manufacturing areas.

Newly-confirmed EPA director Scott Pruitt said in a statement: “The President’s action preserves a federal role in protecting water, but it also restores the states’ important role in the regulation of water.”

The State of California has been increasing its role in regulating water on private land, expanding its authority to include groundwater — a response prompted by fears of overuse during the recent extreme drought and the ongoing restriction of federal water allocations due to efforts to preserve the endangered Delta smelt.

With regard to federal regulation of water, however, farmers in California share their counterparts’ relief — and join those who feel satisfied that the new president is keeping his promises, regardless of “resistance” from Democrats and the media.

Huffington Post

http://www.huffingtonpost.com/entry/former-epa-heads-blast-pruitt_us_58b728e1e4b019d36d1030be

Former EPA Head Says White House Budget An ‘Attack’ On Agency and Science

By Chris D’Angelo 3/1/17, 9:07PM

WASHINGTON — With oil ally Scott Pruitt now at the helm of the Environmental Protection Agency and a White House looking to axe one-quarter of the agency’s funding, two former EPA administrators felt no need to equivocate.

“This is actually going to be devastating for the agency’s ability to protect public health,” Gina

McCarthy, who served as EPA chief under former President Barack Obama, told MSNBC.

In a joint interview Wednesday with MSNBC's Greta van Susteren, McCarthy and Christine Todd Whitman, the former New Jersey governor who later served as EPA chief under President George W. Bush, warned that the proposed EPA cuts go far deeper than reeling in burdensome regulations.

McCarthy called the Trump administration's budget proposal "an attack on the agency" that would reduce staffing levels to where they were 40 years ago.

"I understood that this administration was likely not supportive of climate initiatives, but this is going to the heart of our air and water protections. This is going to the heart of how EPA protects the public health of American families," she said.

As The Huffington Post previously reported, the White House is looking to cut the EPA's budget by 25 percent, as well as eliminate 1 in 5 agency employees. And The Washington Post reports that the EPA's scientific research arm, the Office of Research and Development, could see up to a 42 percent cut. Last year, the agency's budget totaled nearly \$8.2 billion.

"We're talking about 42 percent of our scientists potentially losing their jobs this year," McCarthy added. "I mean, this is not just disagreeing with the science and wanting to deny it. This is telling half of the scientists that they're no longer welcome in the premiere environmental science agency in the world, the Environmental Protection Agency."

Asked if she thought Pruitt would do the right thing for EPA, Whitman said she was "skeptical."

"I hope fervently that the kind of message that the administrator gave the other day to the people who work at the agency, the career staff, where it was a pretty balanced approach, that's going to be more the tone we're going to see — more respect for the agency and its mission, what it does," she said.

"The agency is about protecting human health and the environment. And we don't want to lose that in an effort to ensure that the regulations in place are the ones the administration wants."

What Whitman and McCarthy had to say Wednesday came as little surprise. Both have previously spoken out against what is unfolding at EPA.

"[Pruitt] obviously doesn't care much for the agency or any of the regulations it has promulgated," Whitman said of the former Oklahoma attorney general in December. "He doesn't believe in climate change; he wants to roll back the Clean Power Plan."

In a statement earlier Wednesday to The Washington Post, McCarthy blasted the White House's budget proposal, saying it "ignores" not only "the need to invest in science and to implement the law," but also "the lessons of history that led to EPA's creation 46 years ago."

A gutting of the EPA will almost certainly get the endorsement of the agency's top boss; Pruitt

sued the EPA 13 times as Oklahoma's attorney general.

Over the weekend, Pruitt said those calling for the abolishment of the EPA were "justified" in their beliefs. He credited the agency's actions under the Obama administration for such outrage.

"I think people across this country look at the EPA much as they look at the IRS," Pruitt said during his appearance at the Conservative Political Action Conference in Maryland. "There are going to be some big steps taken to address some of those regulations."

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To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sorokin, Nicholas
Sent: Fri 7/14/2017 4:12:12 PM
Subject: Inside EPA: Communities Ready Task Force To Resist Pruitt Superfund Reform Effort, 7/14/17

Inside EPA

<https://insideepa.com/daily-news/communities-ready-task-force-resist-pruitt-superfund-reform-effort>

Communities Ready Task Force To Resist Pruitt Superfund Reform Effort

By Suzanne Yohannan, 7/13/17

Grassroots community groups are forming a task force to help them push back against EPA Administrator Scott Pruitt's efforts to reform the Superfund program, arguing that his endeavor raises significant concerns about curtailing cleanup oversight and planning to come up with alternative approaches to offer the administrator.

Pruitt's May 22 memo creating an internal agency task force to reexamine Superfund and recommend revisions "raises major concerns about decreasing cleanup oversight, privileging corporate interests over public health, and a lack of community involvement," says a July 12 email to community groups from Lois Gibbs, the long-time Superfund activist and founder of The Center for Health, Environment & Justice (CHEJ), the group leading the effort.

"The focus of Superfund cleanup must place public health as a priority, when weighed against private interests and money," the nascent task force says in a [draft memorandum](#), signaling the task force plans to push for stricter cleanup requirements, limited flexibility for responsible parties and greater consultation with affected communities.

For example it is seeking to limit EPA's ability to avoid listing contaminated sites on the National Priorities List (NPL), limit the use of containment remedies, ensure public health remains a higher priority goal for cleanups than economic development, strengthen health studies at contaminated sites, and reinstate the expired Superfund taxes, among other measures.

While details of Pruitt's plans are not available, many of the groups' calls are at odds with approaches that Pruitt is expected to adopt.

In the email, Gibbs says that the Trump administration and Pruitt “claim to desire to return Superfund cleanups ‘to their rightful place at the center of the EPA’s core mission,’ however their actions speak differently: their proposed budget includes a 30% cut in funding to the Superfund.”

“We aren’t going to let him get away with this,” she writes in the email.

She says organizers from communities around Superfund sites have coalesced to create the People’s Task Force “to advocate our recommendations on the future of Superfund, based on our years of on-the-ground experience.”

The People’s Task Force recommendations include 20 initial signatory groups, including Center for Public Environmental Oversight, Edison Wetlands Association, Maryland Environmental Health Network, Tri-Valley Cares and others.

Several of the groups are located adjacent to Superfund sites, including LEAD Agency, Inc., which seeks to address the Tar Creek Superfund Site in Picher, OK; Citizens Against Toxic Exposure, which advocates on the Escambia Treating Company site in Pensacola, FL; Food & Water Watch, which works on the Gowanus Canal Superfund Site in Brooklyn, NY; and many others.

CHEJ is seeking additional signatures from environmental and political groups and local Superfund advocacy groups, the email says. The sign-on web page indicates CHEJ plans a media release soon, alluding to a possible news release on July 25.

CHEJ could not be reached at press time to respond to questions about the effort.

Pruitt's Reforms

The new task force is seeking to influence Pruitt as he works to overhaul aspects of the Superfund program.

In his May 22 memo, Pruitt notes complaints of Superfund cleanups taking too long to commence and complete, and assigned an internal task force, led by banker Albert Kelly, to produce recommendations within 30 days on streamlining the Superfund program.

The memo called on the internal task force to make recommendations on "how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country."

The EPA task force completed its work and Pruitt was expected to be briefed in late June on the recommendations, an informed source says.

Details have not emerged of those recommendations, but an EPA spokeswoman said July 13 that the agency "will have more information to share on the Superfund task force's report soon."

While details of EPA's plans are not available, Sen. Steve Daines (R-MT), who faces home state concerns over slow cleanups due to planned budget cuts, recently released an outline of recommendations for improving the program's implementation, including limiting the use of the NPL, prioritizing the program for funding and revising metrics for determining cleanup success, that could be viewed as a model for how EPA will proceed.

But the People's Task Force's recommendations criticize aspects of Pruitt's May 22 memo and recent industry calls for certain Superfund changes.

For example, they take issue with the memo's proposal to lower administrative and overhead costs, with the groups noting that such spending mainly funds enforcement and community involvement. "We strongly caution that these are not corners to be cut -- without proper oversight and public accountability, the Superfund would lose much of its remaining efficacy," the groups say.

In their recommendations, the groups that comprise the People's Task Force also express concern over industry proponents' calls for developing "exit strategies," which usually include removing sites from the NPL. They say proponents of that approach concurrently push for containment-type cleanup strategies rather than full removal or complete remediation required by law.

With such "Band-Aid" methods, "exit strategies will not be possible, as the sites require continual maintenance and monitoring," the groups say.

Therefore, these two industry goals are not compatible, they say. "If Responsible Parties want their sites to be delisted from the NPL, they must either pursue complete cleanup or accept the necessary continual oversight to ensure that toxic hazards are under control," they say.

They also question any potential expansion of the Superfund Alternative Approach (SAA) -- the approach advocated by Daines that entails the same cleanup process and standards but avoids an NPL listing.

PRP Benefits

But the community groups say while the SAA offers benefits to potentially responsible parties (PRPs), it impedes citizen participation that the Superfund program ordinarily provides.

For instance, under the alternative approach, PRPs, rather than EPA -- a neutral party -- award technical assistance grants, when provided, to communities. The approach allows PRPs to avoid the stigma of NPL listings as well as declaring a Superfund liability on financial documents -- which the groups say can have a significant impact particularly if a company is sold. The alternative approach also raises concerns over decreased community input and EPA oversight,

they say.

The groups also question the memo's failure to list communities among the stakeholders with which EPA wants to improve interactions. "These communities have the right to information and input on these decisions upon which their health and welfare hinges," the groups say. "Economic development, while important to community revitalization, can never supersede public health."

They also call for reinstating the "polluters pay" tax under Superfund -- a long-time issue that has failed to gain any traction in Congress in recent years -- if the agency, as Pruitt says, is committed to restoring Superfund cleanups "to their rightful place at the center of the agency's core mission."

Further, they take aim at Pruitt's advocacy for using private investment and "alternative funding mechanisms" for the program. These "can't come close to compensating for the Superfund budget cuts and the high volume of abandoned sites," the groups say.

The groups also argue EPA transparency is key to improving relations between EPA and stakeholders. "Cleanup goals must be set in an explicit and interactive manner, beginning with the disclosure of all site information as soon as it is available," the recommendations say.

In her email on the task force, Gibbs notes that EPA under Pruitt "has been markedly secretive." She alleges, "unlike previous administrators, he has never made his schedule publicly available, ignores Freedom of Information Act requests, and has imposed silence upon the Administrative Office's phone line." He has also not disclosed details about the Superfund task force, such as who staffed it and its recommendations.

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2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Reeder,
John[Reeder.John@epa.gov]
From: Schnare, David
Sent: Thur 3/2/2017 2:08:32 PM
Subject: Head's up from today's Administrator daily

The Administrator has mentioned on multiple occasions that he wants to **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

dschnare

To: epa@BulletinIntelligence.com[epa@BulletinIntelligence.com]
From: Bulletin Intelligence
Sent: Thur 3/2/2017 12:01:54 PM
Subject: EPA Daily News Briefing for Thursday, March 2, 2017
[epaNewsBriefing170302.doc](#)

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: THURSDAY, MARCH 2, 2017 7:00 AM EST

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Administrator

Pruitt Cheered On By Farmers For Water Rule Repeal.

Bloomberg BNA (3/1, Schultz) reports that EPA Administrator was enthusiastically greeted by a “ballroom full of farmers” at an American Farm Bureau Federation convention on February 28. Referring to the Trump administration’s executive order beginning the process of rescinding the Waters of the US Rule, Pruitt told attendants, “relief is on the way” and that “this is the first step toward fixing what’s wrong with our federal regulations.”

Greenwire (3/1, Reilly) reports that New York dairy farmer Dave Fisher, also the president of the New York Farm Bureau, was among those welcoming Pruitt at the conference. Fisher “said he blames the WOTUS rule and other EPA regulations for increasing the cost of doing business in an industry where farmers sometimes struggle with low milk prices and high feed prices that make for narrow profit margins.”

Democratic AGs Expected To Defend Obama-Era Climate Regulations.

Greenwire (3/1, Reilly) reports that Scott Pruitt, who has a history of challenging the EPA in court during his tenure as Oklahoma’s attorney general, “will likely soon find himself on the other side of lawsuits filed by Democratic attorneys general” aiming to prevent the Trump administration from pulling out of Obama-era regulations. An early example will likely be the Clean Power Plan, which is currently pending before court. If the Trump administration “drops its defense in court, Democratic attorneys general and environmental groups could continue to defend the rule in the D.C. Circuit and the Supreme Court.”

Pruitt Wants More Money For Water Projects, Superfund Cleanups.

E&E Daily (3/1) reports EPA Administrator Scott Pruitt will meet top White House officials to push for more money for EPA’s water infrastructure revolving loan and grant programs and the backlog of Superfund cleanups, which “are prime candidates” for inclusion in the infrastructure package. Pruitt said he will focus on “roads, bridges and water infrastructure — outside the budget” during the discussion. On Superfund cleanups, Pruitt cited long-delayed work in Oregon’s Port of Portland; Butte, Montana; and the Hanford nuclear site in Washington state. “It is absolutely unacceptable to have sites on the National Priorities List for three to four decades,” Pruitt said.

Harris: Pruitt’s Call For Debate On Climate Change Should Be Welcomed.

Writing in the Washington Times, (3/2, Harris) Tom Harris, executive director of the Ottawa, Canada-based International Climate Science Coalition, discusses how he believes Scott Pruitt should lead the EPA, particularly regarding the issue of climate change. Citing “recent charges by a former National Oceanic and Atmospheric Administration scientist that agency researchers are manipulating data to support climate alarmism,” Harris believes that Pruitt “can expect strong public support for his call to open debate on climate change.”

Air

Study: Asian Ozone Emissions Driving Up Background Levels In Western US.

Greenwire (3/1) reports air pollution from Asia wafting into the western US is undercutting efforts to reduce regional ozone levels, according to a study published in the journal *Atmospheric Chemistry and Physics*. From 1990 to 2014, “a threefold increase in Asian emissions of nitrogen oxides outpaced the benefits of a 50 percent reduction in US releases.” The increase is the “major driver” of rising levels of background ozone in the western US and explains increases in ozone levels at

national parks.

Budget

Trump EPA Budget Plan Targets Climate, Efficiency, Cleanup Programs.

The Hill (3/1, Henry) reports the White House is considering a 24 percent reduction in the EPA's \$8.1 billion budget, cutting funding for some programs popular with lawmakers. Programs being targeted include grants for brownfield cleanups, the Energy Star energy efficiency program, climate change efforts and funding for Alaskan native villages. The White House could also propose a 42 percent cut to the EPA's Office of Research and Development. Key Republican House appropriators on Tuesday "were hesitant about cuts as deep as those the White House wants," while EPA Administrator Scott Pruitt said he's "concerned" with some of the cuts outlined.

The Washington Post (3/1, Eilperin, Dennis) reports that such "deep cuts" to the EPA budget "would reduce its staff by one-fifth in the first year and eliminate dozens of programs, according to details of a document reviewed" by the Post. In addition to eliminating 3,000 EPA jobs, the plan "dictates cutting the agency's grants to states, including its air and water programs, by 30 percent, and eliminating 38 separate programs in their entirety."

Vox (3/1, Plumer) reports that "according to multiple accounts, Donald Trump's team has been using Heritage's blueprint as a guide" in its search for \$54 billion in spending cuts for fiscal year 2018. The Heritage budget spreads cuts out across every agency and "goes particularly hard after energy and environmental programs." The blueprint includes the elimination of the EPA's climate-change programs; federal research into wind, solar, nuclear, and clean energy; and environmental justice programs. Taken together, the blueprint's cuts "could amount to a stark change in US environmental policy."

Business Insider (3/1, Ernst) notes that of the EPA's annual budget, about three-quarters goes toward grants to states, tribes, and government contractors for cleanup and preparedness efforts. The remaining quarter goes to staff payroll, scientific studies, and other expenses. Former EPA Administrator Gina McCarthy released a statement yesterday stating that the budget is a "fantasy if the administration believes it will preserve EPA's mission to protect public health," reports E&E Daily (3/2, Reilly)

Federal Workers Concerned About Layoffs. The Washington Post (3/1, Rein) reports that federal workers "are growing increasingly anxious at the prospect of massive budget cuts" after President Trump said that he will "call for \$54 billion in reductions to offset new spending for the Pentagon." National Treasury Employees Union President Tony Reardon, whose union represents 150,000 federal workers across 31 departments, said, "I don't think there's any way around it, this level of cuts will almost certainly lead to layoffs."

Lawmakers Uncertain Whether Government Cuts Will Move Forward. The "Morning Energy" blog of Politico (3/1) reported Senior House Appropriators are doubtful "Congress will deliver the 25 percent cuts reportedly sought by the Trump administration for EPA." Rep. Mike Simpson was doubtful "Republicans would go along with a rumored ten percent cut to energy and water budget." He told reporters, "That'd be pretty devastating to most our labs and to the research they do and other things."

Government Services Firm CGI Concerned Budget Cuts Will Hurt Business. The Washington Business Journal (3/1) reports that government services firm CGI Federal is facing budget cuts at two of its "key customers," the State Department and the EPA. "Several reports" have indicated that the White House is poised to slash their budgets by 37 percent and 24 percent,

respectively. Combined, the two entities account for 59.3 percent of CGI's \$925.3 million in federal contracting revenue.

Additional Reading.

- **EPA Funds For Native Water Projects Could Disappear Under Trump Administration.**
Alaska Public Radio Network. (3/1)

Energy

Coal Industry Tries To Re-frame Itself In Push For Carbon Capture Subsidies.

The Austin (TX) American Statesman (3/1, Findell) reports, in continuing coverage, that Cloud Peak Energy, Peabody Energy and Arch Coal are lobbying for a tax bill to expand government subsidies to promote carbon capture and sequestration and reduce its environmental impact. "We can't turn back time," said Cloud Peak Energy executive Richard Reavey. "We have to accept that there are reasonable concerns about carbon dioxide and climate, and something has to be done about it." The coal executives say the gains in renewable energy are not sufficient to stabilize the climate while satisfying demand, and that only capturing carbon from fossil fuel plants can shift the world to a low-carbon future.

Coal Mining Begins Seeing Revival As Trump Gives Industry Hope. On its website, Fox News (3/1, Giles) highlighted recent production increases at a coal mining operation in Wise County, suggesting that a "long-awaited revival is under way" as President Trump works to fulfill his pledge to roll back energy industry regulations. A site supervisor who declined to provide his name said the facility is shipping one load per day for a power plant in Virginia City, and "there's one shipment a week for Georgia Power," among other scheduled deliveries.

Krugman: Trump "Selling A Fantasy" On Restoring Coal Jobs. Paul Krugman writes in his column for the New York Times (3/1) that he was "struck" by President Trump's instance during his speech that he will bring back coal jobs. Coal employment began falling decades ago and a rollback of environmental rules "won't make any noticeable dent in the trend." Krugman that in West Virginia healthcare accounts for more jobs than coal but coal is really "a symbol of a social order that is no more." Trump is "selling the fantasy that this old order can be restored."

Op-ed: Senate Should Repeal BLM Venting, Flaring Regulation.

Ben Sheppard, President of the Permian Basin Petroleum Association, writes in the Congress Blog for The Hill (3/1, Shepperd, Contributor) saying that the Senate should move to repeal BLM regulations on venting and flaring. Sheppard says repealing the rule would not roll back environmental protections because the states and the EPA already have rules in place, making BLM's rule unnecessary and expensive. Despite activists' claim that the rule would increase revenues, it would actually significantly decrease production on federal lands, meaning less royalties paid to state and federal governments. Sheppard says any environmental benefits gained should not outweigh the severe economic impacts on the western states.

International

Attorneys Sue Beijing, Surrounding Regions For "Halfhearted" Efforts To Fight Smog.

The AP (3/2, Watt) reports several attorneys are suing the governments of Beijing "and its surrounding regions" for what they say are "halfhearted efforts to fight air pollution." Wang Canfa,

the director of a center that deals with pollution-related lawsuits, “said it would be difficult for the plaintiffs to establish a link between the governments’ actions and the harm they have suffered.” Wang explained, “In this circumstance, the governments are not the ones that inflict harm, rather it is the companies that discharge emissions, and individuals who drive cars, who are the polluters.”

Other News

Trump Skips Mention Of Environment In Speech, Acts In Favor Of Industry.

E&E Publishing (3/1) reports during President Trump’s speech before a joint session of Congress he said his vision for infrastructure “will be guided by two core principles: Buy American and hire American.” Absent from his speech were mentions of a balance between energy development and conservation on public lands or climate change. However, his actions while in office have led Michael Brune, the Sierra Club’s executive director, to say, “Let’s be clear, Trump does not care about our clean air, clean water, or a changing climate threatening American communities. ... Trump isn’t putting Americans first, he’s putting corporate polluters first.” Actions the president have taken include advancing pipelines, rolling back legislation on anti-corruption measures and coal mining, and directing the EPA to start the process of dismantling the Clean Water Rule.

Zinke Confirmed As Interior Secretary.

The AP (3/1, Daly) reports that the Senate confirmed Ryan Zinke as interior secretary by a 68-31 vote, with 51 Republicans, 16 Democrats, and independent Sen. Angus King in support. Republican Sen. Johnny Isakson did not vote. The AP notes that “several Democrats from Western states as well as those facing tough re-elections next year,” including Sens. Joe Donnelly, Joe Manchin, and Jon Tester, voted for Zinke.

The Washington Post (3/1, Fears) reports that Republicans “called the former Montana congressman and Navy SEAL a strong choice for Interior, as an avid hunter with Western roots who understands how federal regulations on the cultivation of coal, natural gas and minerals on public lands can hurt corporate revenue and reduce jobs.” But Democrats “were wary of Zinke despite his declaration that he believes humans contribute to climate change” and his opposition to the sale or transfer of public land.

The Los Angeles Times (3/1, Yardley) says Zinke “has frequently referred to himself as a ‘Teddy Roosevelt’ Republican and conservationist who favors putting public lands to ‘multiple use’ – hiking, hunting and other forms of recreation as well as fossil fuel extraction.” Many environmental groups “criticized his selection, though in more muted terms than they have used” for EPA Administrator Pruitt.

The New York Times (3/1, Turkewitz), noting that the job “puts Mr. Zinke in control of 500 million acres of United States land,” headlines its report “He Will Soon Run a Fifth of the Nation. Meet Ryan Zinke.” Reuters (3/1, Gardner) also reports. The NRA congratulated Zinke via Twitter.

Rules/Regulations/Policy

Trump Will Reportedly Reverse Some Obama Environmental Rules.

Reuters (3/1) reports that President Trump plans to “target a handful of Obama-era green regulations, including a federal coal mining ban and an initiative forcing states to cut carbon emissions, in an executive order as soon as next week.” A White House official told Reuters, “Rescinding the federal coal leasing moratorium is part of that executive order, which has lots of

different components, including the Clean Power Plan.”

Courts, Legislature Likely To Block Major Overhaul Of EPA Regulations. Forbes (3/1, Silverstein) contributor Ken Silverstein writes that it will be very difficult for the Trump administration to follow through on promises to rollback Obama-era regulations considering most rules will require 60 votes in the U.S. Senate to be rescinded. President Trump can more easily override Obama-era rules finalized in the last several months of the Obama administration under the Congressional Review Act. “Big changes to any agency or statute require Congress, and I just don’t get the sense that Trump wants to use his poker chips on EPA-reform,” said Rob Barnett, a Bloomberg Intelligence analyst.

Additional Reading.

- **Wastewater Practice Still Mostly Banned In U.S. After Ruling** Bloomberg BNA. (3/1)

Toxics/TSCA

Additional Reading.

- **Toxic Chemical Worries Prompt Closure Of Part Of Monroe School.** KOMO-TV. Seattle (3/1)

Water Infrastructure

Beverage Companies Fund Recycling Program For Flint Students.

MLive (MI) (3/1, Johnson) reports that the PepsiCo Foundation, Coca-Cola, Nestle Waters, and the Walmart Foundation on Tuesday announced a partnership to “fund an integrated recycling education and awareness initiative for the 10,000 school students affected by the Flint water crisis.”

Michigan Health Department Questions If McLaren Flint Hospital Withheld Isolates During Investigation Into Legionnaire’s Outbreak.

The Detroit News (3/1, Oosting, Bouffard) reports the Michigan Department of Health and Human Services questioned whether McLaren Flint Hospital had withheld isolates during its investigation into the Legionnaire’s disease outbreak. A McLaren spokeswoman said the hospital is “not aware of any isolates” that were “withheld or destroyed.” Health Department Director Nick Lyon said the hospital’s compliance with CDC recommendations “remains unclear.”

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To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sorokin, Nicholas
Sent: Thur 7/13/2017 2:22:45 PM
Subject: Politico: Pruitt blasts Europe, Merkel for 'hypocrisy' on climate, 7/13/17

Politico

<http://www.politico.com/story/2017/07/12/pruitt-climate-hypocrisy-merkel-europe-240479>

Pruitt blasts Europe, Merkel for 'hypocrisy' on climate

By Andrew Restuccia, 7/12/17

EPA Administrator Scott Pruitt dismissed European critics of President Donald Trump's climate policies as hypocrites on Wednesday, while chastising German Chancellor Angela Merkel for phasing out her country's nuclear power plants.

"I just think the hypocrisy runs rampant," Pruitt said in an interview with POLITICO. "To look at us as a nation and say, 'You all need to do more' in light of what we've done in leading with innovation and technology — the hypocrisy is palpable in those areas."

Pruitt mentioned Merkel by name, urging the public to press her on the issue. If reducing carbon dioxide emissions "is so important to you, Madam Chancellor, why are you getting rid of nuclear? Because last time I checked, it's pretty clean on CO2," he said.

Merkel is one of the most vocal public defenders of the Paris climate change agreement, the 2015 pact that Trump said last month he intends to leave. Merkel hosted the recent G-20 summit of the world's wealthiest economies, where the United States was the only country not to throw its support behind the deal. At the same time, Germany announced in 2000 it would phase out nuclear power, a shift that Merkel accelerated after the 2011 nuclear disaster in Japan.

Pruitt repeated his criticism of the Paris deal, casting doubt on whether the United States would remain part of the climate agreement even if the Trump administration rewrites former President Barack Obama's aggressive plan to cut U.S. emissions. When Trump announced the withdrawal June 1, he held out the possibility of negotiating to "re-enter" the accord "on terms that are fair to the United States."

Pruitt argued that the United States has shown it can address climate change without being bound to an international agreement. He noted that U.S. carbon dioxide emissions have declined since President George W. Bush decided in 2001 to abandon the Kyoto Protocol.

"What we ought to be focused upon in my view is exporting innovation and technology to nations like China, like India, to help them with respect to their power grid," he said.

Pruitt said the United States will continue to engage with the international community on climate change, but he called the Paris deal "pure symbolism," adding, "It was a bumper sticker.

"Engagement is unquestioned. We're going to continue to engage," he said. "But we have led with action."

Still, Pruitt continued to raise concerns that remaining in the Paris deal could create legal complications as the administration tries to unravel Obama's domestic climate regulations, arguing that outside groups could seek to hold the U.S. to its pledges in court. "Why would you hold yourself out to that type of legal liability?" he said.

During the administration's monthslong debate over Paris, Pruitt and other opponents of the agreement made that argument behind the scenes, clashing with other Trump advisers who believed those legal fears were unfounded. Pruitt, along with Trump's chief strategist Steve Bannon, was the most forceful advocate of ending U.S. participation in the Paris deal.

Pruitt bristled at the phrase "climate denier," a description that his critics have often applied to him in light of his repeated statements disputing scientific conclusions about the large role humans play in warming the planet.

"What does it even mean? That's what I think about it. I deny the climate? Really? Wow, OK. That's crazy, in my view," he said.

Pruitt reiterated his position that the climate is warming and humans contribute to that, but "the ability to measure with precision the human contribution to warming is something that's very challenging to do."

In contrast, the vast majority of the world's climate scientists agree that the planet is warming in large part due to the burning of fossil fuels like coal. Pruitt has come under fire from Democrats — and even some moderate Republicans, including former EPA chiefs — for his stance on climate change. Others have raised red flags about the steep budget cuts facing the agency, worrying that its mission to protect human health and the environment could be compromised.

Pruitt has called for a public — possibly televised — debate about climate science.

"The American people deserve an honest, open, transparent discussion about that, and that's how you ultimately get to consensus," he said. "And I tend to think at times that maybe consensus wasn't the focus historically, over the last several years. It was to use it as a political issue, to put jerseys on — either you're for or against."

In the end, he said, his ability to regulate greenhouse gas emissions is limited by the 1972 Clean Air Act, whose authority he believes Obama overstepped when he imposed greenhouse gas restrictions for the nation's power plants.

Pruitt argued that the media's focus on climate change has distracted from the work he is doing at the EPA on everything from air pollution to regulating dangerous chemicals.

"We've got a very positive environmental agenda. [There's] work to be done, opportunity to achieve good outcomes, a plan to do that, and there's not very much margin, if any at all, with groups that are liberal, conservative, the rest, at getting those things done," he said.

Pruitt has sought to "reorient" the EPA toward what he argues are its core functions, including reducing air pollution, cleaning up toxic waste sites, regulating chemicals and improving water

quality. Pruitt said he organized an internal task force that will soon deliver recommendations on how to improve the agency's Superfund program, which is designed to clean up the nation's worst toxic pollution sites.

The EPA administrator laid into Obama, arguing he didn't do nearly enough to limit air pollutants and sought to severely restrict the use of fossil fuels.

"God has blessed us with natural resources. Let's use them to feed the world. Let's use them to power the world. Let's use them to protect the world," Pruitt said. "But this idea that we as a nation have this abundance of natural resources and the job of this agency — and I'm speaking rhetorically here and facetiously — is to say, 'Do not touch.' Where is that in the statute?"

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Subject: The Daily Caller: EPA Chief Orders Faster Superfund Cleanup Of Nation's Most Polluted Areas, 5/11/17

The Daily Caller

<http://dailycaller.com/2017/05/11/epa-chief-orders-faster-superfund-cleanup-of-nations-most-polluted-areas/>

EPA Chief Orders Faster Superfund Cleanup Of Nation's Most Polluted Areas

By Ethan Barton 5/11/17 2:22 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is pushing officials to streamline and speedup the Superfund process to cleanup the nation's most polluted sites, a problem highlighted by The Daily Caller News Foundation's Investigative Group in 2016.

"I am making it a priority to ensure contaminated sites get cleaned up," Pruitt said in a statement Wednesday announcing a directive he signed Monday. "We will be more hands-on to ensure proper oversight and attention to the Superfund program at the highest levels of the agency and to create consistency across states."

The Superfund program is tasked with cleaning sites on the National Priorities List, which are the most contaminated locations in the country. Pruitt's directive strips lower-ranking EPA officials of the ability to approve cleanups that cost at least \$50 million and keeps that authority with the administrator to eliminate red tape.

The EPA administrator has always held the power to approve cleanups, but "had been delegated many layers into the bureaucracy, resulting in confusion among stakeholders and delayed revitalization efforts," the agency said.

Pruitt's directive follows multiple reports by TheDCNF last year exposing unexplained cleanup delays that have plagued the Superfund program since its inception, resulting in extremely polluted sites being left contaminated for years, or even decades. The delays are often the result of complex clean-ups required and numerous bureaucratic hurdles.

More than 1,700 sites have been added to the Superfund program since 1983, but less than 400 have been fully cleaned, TheDCNF previously reported. It took 13 years on average to decontaminate each of those sites.

Meanwhile, people living near more than 300 Superfund sites have faced health hazards for years, or sometimes decades. In fact, the EPA doesn't know if 117 sites endanger humans,

despite being part of the Superfund program for more than 30 years.

Pollution – including contaminants from military activities – at one uncleaned site near Philadelphia has threatened nearby humans for nearly 50 years, and a surrounding community faced an increased number of cancer cases, a DCNF investigation uncovered.

TheDCNF also revealed nearly \$6.3 billion collected in the EPA’s 1,300 “special accounts” — slush-fund like bank accounts linked to specific Superfund sites — without oversight from Congress or external review.

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Subject: The Hill: EPA chief: Obama was no 'environmental savior', 5/11/17

The Hill

<http://thehill.com/policy/energy-environment/332958-epa-chief-obama-wasnt-an-environmental-savior>

EPA chief: Obama was no 'environmental savior'

By Timothy Cama 5/11/17 1:25 PM

The head of the Environmental Protection Agency (EPA) tore into former President Barack Obama's environmental record Thursday, saying he failed in important areas.

Speaking on conservative radio host Hugh Hewitt's show, Scott Pruitt accused the Obama administration of "poor leadership" and "poor focus," resulting in bad air quality, more contaminated sites under the Superfund cleanup program, and water pollution crises.

"The past administration is viewed as the environmental savior. But when you look at air attainment in this country, we're at 40 percent non-attainment right now on ozone. About 140 million people live in non-attainment areas for air quality, under air quality programs," he said, referring to a measure of areas in the country that have reached federal standards for ozone pollution concentrations.

"Superfund sites, we have more today than when President Obama came into office. Water infrastructure, you had Flint and you had Gold King. And ... the regulations that they issued on carbon, they failed twice. They struck out twice," Pruitt continued.

"So when you look at their record, what exactly did they accomplish for the environment that folks are so excited about?"

Pruitt used the criticism in part to promote his new policy of prioritizing Superfund cleanups, including a memo this week that gives him the power to approve cleanups worth \$50 billion or more, taking the power away from lower-level staffers.

On another radio appearance Wednesday, Pruitt was also highly critical of his predecessor, naming similar environmental problems over the last eight years.

"What's so great about that record," he asked North Dakota conservative radio host Rob Port, after listing similar statistics about air quality, Superfund and the Flint and Gold King disasters.

“I don’t quite understand the environmental left when they say that somehow, what the past administration, what was done, was so great.”

He also defended his record of suing the Obama EPA more than a dozen times to stop regulations while he was Oklahoma’s attorney general.

“My response to that is, they deserved it,” he said. “And they deserved it because they exceeded their statutory authority, they exceeded their constitutional authority. When they got outside of their lane, they got sued, and they got stopped. So they didn’t even achieve good environmental outcomes. All they did was incur litigation costs in the process.”

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E&E News

<https://www.eenews.net/greenwire/2017/05/11/stories/1060054429>

Pruitt says science advisers can reapply

By Kevin Bogardus 5/11/17

U.S. EPA Administrator Scott Pruitt said today that departing science advisers could reapply for their jobs.

In an interview with talk show host Hugh Hewitt, Pruitt addressed the flare-up over dismissing members of EPA's Board of Scientific Counselors, which advises the agency on research programs.

Although members traditionally serve two three-year terms, half of the 18-member board found their terms had not been renewed last week.

The EPA chief said the "same individuals could very well be put back on the board," calling it "simply a process to ensure that we have the type of representation, voices heard, so that we're informed as we do rulemaking."

Pruitt said, "The recent firing that took place, there was no firing that took place. These individuals can apply, will apply, I'm sure, in some instances, and very well could be put back on the board. But it's the right thing to do to ensure transparency, objectivity, peer-reviewed science and geographical representation on the board."

Pruitt touted EPA's efforts under his leadership to streamline the process to clean toxic Superfund sites, saying the agency has "tremendous opportunity to do very good things for the environment" (see related story).

The show also touched on the administrator's decision to recuse himself from pending litigation against the agency that he was involved in before as Oklahoma's attorney general.

Under a recusal statement obtained by E&E News under the Freedom of Information Act, Pruitt said he would step away from a dozen cases, including high-profile litigation over the Clean Power Plan and the Clean Water Rule (E&E News PM, May 5).

"We went through it and made sure that we evaluated the cases, made informed decisions about

what cases I needed to be recused from. They were specific matters that Oklahoma was a party," Pruitt said.

"Those cases, and that's really been since day one. I mean, that's been a matter of practice, and it's also now a matter of formality. So it was the right thing and is the right thing to do, and we've definitely kept that promise."

In an appearance yesterday on WDAY, a North Dakota radio station, Pruitt defended his record of suing EPA over several rules when he was Oklahoma attorney general.

"They deserved it and they deserved it because they exceeded their statutory authority, they exceeded their constitutional authority. And when they got outside their lane, they got sued and they got stopped," Pruitt said.

In both radio appearances, Pruitt took issue with the Obama administration's environmental record. He mentioned the Flint, Mich., drinking water crisis, the Gold King mine disaster and stymied efforts to move through climate change regulations.

"What's so great about that record?" Pruitt said on WDAY. "I don't quite understand the environmental left when they say that somehow what the past administration, what was done was so great."

Back on "The Hugh Hewitt Show" today, Pruitt said to expect the agency's review of the water rule to be completed and a new one issued by the end of this year or early next year.

"As far as the timing of the process, I anticipate and hope that by the end of the year or first quarter of '18 that we'll have a final rule. So the process we're in has already begun, notice and comments, ensuring that we're hearing their voices of everyone across the country. But hopefully, the final rule will occur sometime late this year or early next," said Pruitt.

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E&E News

<https://www.eenews.net/greenwire/2017/05/11/stories/1060054426>

Pruitt takes control of Superfund designations

By Cecelia Smith-Schoenwalder 5/11/17

U.S. EPA Administrator Scott Pruitt announced yesterday that he will now make the decisions regarding Superfund cleanup sites that cost \$50 million or more.

Pruitt has said before that Superfund site cleanups will be a key focus of his EPA and accused the previous administration of not doing enough to advance priorities.

But environmental groups are not welcoming the move, saying they worry more input from the administration may inject politics into deliberations.

Pruitt's move is "taking away the authority of the staff" in order "to have more political control," said Erik Olson, health program director at the Natural Resources Defense Council.

Previously, the EPA administrator would delegate Superfund decisions to the assistant administrator for the Office of Land and Emergency Management and regional administrators.

"The purpose of these revisions is to improve the remedy selection process and to involve the Administrator and the Administrator's office in this process more directly," Pruitt said in a memo sent to staff Tuesday.

While Pruitt said the change will streamline the process, Olson said it actually adds another layer of review. The big cleanup projects, he said, usually involve big industry players.

To Greenpeace's research director, Mark Floegel, Pruitt's plan won't change the pattern of what he sees as EPA letting polluters off easy.

"Under too many administrations, the EPA has been too quick to let polluters off with minor fines, burdening the public with the costs of cleaning up polluters' messes," Floegel said in a statement. "Nothing in this statement suggests a change of course."

EPA's press release notes that Pruitt wants the Superfund in "its rightful place at the center of the U.S. Environmental Protection Agency's core mission."

Floegel takes issue with this statement, too.

"While Superfund is an important program, it is only one of EPA's tasks. Mr. Pruitt's responsibility for protecting clean air and clean water extend far beyond Superfund, and we assume strong statements about his plans to honor those responsibilities are forthcoming," he said.

Last week, Pruitt discussed Superfund cleanups with members of Congress on a visit to Capitol Hill (Greenwire, May 4).

Pruitt championing the program appears to contradict President Trump's proposed skinny budget, which suggests cutting funding by one-third.

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AP

http://hosted.ap.org/dynamic/stories/U/US_TRUMP_EPA_SUPERFUND?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

Trump environmental chief to prioritize toxic sites' cleanup

By Michael Biesecker 5/11/17 12:34 PM

WASHINGTON (AP) -- President Donald Trump's environmental chief says he plans to focus on cleaning up decades-old contamination even as he rolls back rules aimed at preventing future pollution.

Environmental Protection Agency head Scott Pruitt has sent a letter directing that Superfund cleanup efforts be elevated to what he describes as their rightful place as the EPA's core mission.

Pruitt has repeatedly moved to block or delay Obama-era rules aimed at curbing pollution from coal-fired power plants and fossil-fuel production.

The Superfund program cleans sites highly contaminated with hazardous waste. There are now more than 1,300 sites prioritized nationally for cleanup. The EPA routinely tries to compel polluters to pay for cleanups, but taxpayers often end up paying.

The Trump administration's proposed 2018 budget would cut Superfund money by 30 percent.

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Washington Times

<http://www.washingtontimes.com/news/2017/may/11/epa-chief-pruitt-obama-no-environmental-savior/>

EPA chief Pruitt: Obama no 'environmental savior,' past administration accomplished nothing

By Ben Wolfgang 5/11/17

Former President Obama is widely revered by activists and progressive Democrats for his actions on climate change, but Environmental Protection Agency Administrator Scott Pruitt on Thursday challenged those credentials and said the former commander in chief was no "environmental savior."

In a radio interview with Hugh Hewitt, Mr. Pruitt said the past administration talked a good game on the environment, but has little in the way of concrete accomplishments. He pointed to the environmental disaster in Flint, Michigan, and the Gold King Mine spill, both of which led to widespread water contamination.

He also said the administration's attempts to rein in carbon emissions were blocked by federal courts, as were other high-profile regulations. At the same time, Mr. Pruitt charged, much of the country remained in non-compliance with federal ozone standards, and the number of Superfund sites — areas contaminated by hazardous waste and identified for federal clean-up efforts — increased during Mr. Obama's tenure.

"It's just poor leadership. It's poor focus," said Mr. Pruitt, the former attorney general of Oklahoma. "When you look at the past administration's environmental record, I mean, the past administration is viewed as the environmental savior. But when you look at air attainment in this country, we're at 40 percent non-attainment right now on ozone. About 140 million people live in non-attainment areas for air quality, under air quality programs.

"Superfund sites, we have more today than when President Obama came into office," he continued. "Water infrastructure, you had Flint and you had Gold King. And the regulations that they issued on carbon, they failed twice. They struck out twice. So when you look at their record, what exactly did they accomplish for the environment that folks are so excited about?"

Mr. Pruitt is leading the charge to roll back many Obama-era regulations. His targets include

those rules that were blocked by federal courts, including the Clean Power Plan, a proposed set of limits on carbon emissions from power plants.

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Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2017/05/11/epa-head-says-he-wants-to-prioritize-superfund-cleanups/?utm_term=.86273e39ee5d

EPA head says he wants to 'prioritize' Superfund cleanups

By Brady Dennis 5/11/17 7:00 AM

Environmental Protection Agency Administrator Scott Pruitt says he plans to prioritize the agency's Superfund cleanups, even as the Trump administration seeks deep cuts to the program responsible for restoring the nation's most polluted sites.

In a memo to EPA staffers this week, Pruitt wrote that Superfund cleanup efforts "will be restored to their rightful place at the center of the agency's core mission." He made clear that he would be more involved in signing off on remediation efforts around the country, particularly on the largest cleanups, those estimated to cost \$50 million or more.

"We will be more hands-on to ensure proper oversight and attention to the Superfund program at the highest levels of the agency, and to create consistency across states," Pruitt said in a statement Wednesday.

While the memo does not detail any wholesale changes — the head of the EPA has always had ultimate authority over Superfund site decisions — the agency asserted with the statement that until recently "this authority had been delegated many layers into the bureaucracy, resulting in confusion among stakeholders and delayed revitalization efforts. Putting the decision of how to clean up the sites directly into the hands of the administrator will help revitalize contaminated sites faster."

That remains to be seen, of course.

The EPA's "National Priorities List" includes more than 1,300 Superfund sites around the country. Cleanups of these polluted locations, which have been paid for largely by polluters, can take years or even decades to complete. Since its creation in 1980, the program has been dogged by criticism for its slow pace, although proponents have argued that inadequate funding has contributed to delays.

The Trump administration's proposed budget would put a massive dent in that funding for fiscal 2018. It would cut the Superfund program by nearly a third, to \$330 million a year. EPA's

budget would be slashed 31 percent.

Pruitt has defended the program even as he and the White House have aggressively sought to roll back a slew of other environmental measures put in place by President Barack Obama, particularly those focused on combating climate change and limiting oil and gas drilling on public lands.

“Superfund is an area that is absolutely essential,” Pruitt told a gathering of the U.S. Conference of Mayors in March.

Like the agency’s brownfields program, which offers grants to communities to help clean up and redevelop abandoned industrial sites, the Superfund program has been considered successful overall and has been popular around the country among lawmakers and their constituents.

Last month, Pruitt toured the USS Lead Superfund site in East Chicago, Ind., listed as among the nation’s most contaminated. He promised city leaders and residents, whose homes and lives have been upended by a declaration of toxicity at the site, that they had his agency’s full support.

“The reason I’m here is because it’s important that we restore confidence to the people here in this community that we’re going to get it right,” Pruitt said.

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E&E News

<https://www.eenews.net/climatewire/2017/05/11/stories/1060054401>

With climate downgraded, Superfund now agency's top issue

By Niina Heikkinen 5/11/17

U.S. EPA Administrator Scott Pruitt says he is now officially putting Superfund site cleanup at the top of his to-do list.

While climate change was a key focus of the agency under President Obama, Pruitt made clear in a memo to staff yesterday that he would be turning his attention to the remediation of areas contaminated with hazardous waste, and he and staff in the administrator's office would be taking more direct involvement in the decisionmaking process.

"We will be more hands-on to ensure proper oversight and attention to the Superfund program at the highest levels of the Agency, and to create consistency across states," Pruitt said in an agency press release yesterday evening.

Pruitt will now make decisions about cleanup approaches that cost \$50 million or more. Previously, the administrator delegated those decisions to the assistant administrator for the Office of Land and Emergency Management and regional administrators. Pruitt argued that this process had caused confusion and slowed cleanup efforts.

"It is through this enhanced cooperation and continuous involvement that we will work to revitalize this essential Agency effort while enhancing consistency in remedy selection across States and the Regions," Pruitt wrote.

Pruitt has frequently talked about the need to prioritize Superfund sites in his public appearances since taking office. In April, he visited the USS Lead Superfund site in East Chicago, Ind. Last week, he discussed Superfund cleanup with members of Congress when he visited Capitol Hill (Climatewire, May 4, 2017).

The administrator's plans could put him at odds with the White House Office of Management and Budget, which proposed cutting funding for Superfund site remediation by \$330 million in its budget blueprint. Instead, the administration would use settlement funds already available to clean up hazardous areas and would seek to limit administrative costs and emphasize efficiency.

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InsideEPA

<https://insideepa.com/daily-news/pruitt-rescinds-regional-offices-control-over-high-cost-superfund-cleanups>

Pruitt Rescinds Regional Offices' Control Over High Cost Superfund Cleanups

By Suzanne Yohannan 5/10/17

EPA Administrator Scott Pruitt is taking back final authority for sign-off on Superfund cleanup remedies known as records of decision (RODs) costing more than \$50 million, rescinding the final decisionmaking authority usually reserved for the agency's regional administrators or its headquarters' waste office.

The move, outlined in a May 9 memo to the agency's Office of Land and Emergency Response (OLEM) chief and regional administrators, seeks to revitalize cleanup sites while promoting accountability and consistency across regions, according to the documents.

Pruitt in the cover memo says Superfund and the agency's land and water cleanup work "will be restored to their rightful place at the center of the agency's core mission."

He says he has re-delegated Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) authorities "in order to facilitate the more-rapid remediation and revitalization of contaminated sites and to promote accountability and consistency in remedy selection."

"With this revised delegation, authority previously delegated to the Assistant Administrator for Office of Land and Emergency Management and the Regional Administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator." In accompanying memos, Pruitt says this authority may be delegated to EPA's deputy administrator, but no further.

The delegations apply to both private sector Superfund sites and federal facilities, with two separate memos detailing the changes.

The cover memo says the administrator is making these changes to both improve remedy selection and involve the administrator and his office "in this process more directly. He asks that OLEM and the regional offices "involve the Administrator's Office early on and throughout the process of developing and evaluating alternatives and remedy selection." He says this is

particularly important at sites where remedies are expected to cost more than \$50 million and thus will require Pruitt's approval and signature.

"It is through this enhanced cooperation and continuous involvement that we will work to revitalize this essential agency effort while enhancing consistency in remedy selection across states and the regions," he says.

'Hands-On' Attention

One industry source says the action by Pruitt sends the signal that he is taking seriously all the prominence he has given to Superfund in the time he has been at the agency, and that he is asserting centralized control.

In a May 10 press release, Pruitt said, "I am making it a priority to ensure contaminated sites get cleaned up. We will be more hands-on to ensure proper oversight and attention to the Superfund program at the highest levels of the Agency, and to create consistency across states."

EPA in the release adds, "The Administrator of EPA has always had the authority to sign-off on Superfund remediation efforts. Until recently, however, this authority had been delegated many layers into the bureaucracy, resulting in confusion among stakeholders and delayed revitalization efforts. Putting the decision of how to clean up the sites directly into the hands of the Administrator will help revitalize contaminated sites faster."

The source adds that while there may not be many RODs signed off in any given year, the action could have a more profound impact on the program than one would think. The source says this means regional administrators cannot "slide through" RODs, noting some decisions that the source believes have been "pretty out there."

In particular, the source points to sediment site remedies, especially at New Jersey sites, that have been extraordinarily expensive.

In addition, the source believes the move may prompt recalculations of risk at sites to avoid extensive and draconian remedies. For instance, the source points to some RODs where EPA has in recent years applied risk evaluations that include the impacts of climate change on cleanup decisions.

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E&E News

<https://www.eenews.net/eenewspm/2017/05/09/stories/1060054294>

Interest groups, citizens sound off on possible EPA overhaul

By Arianna Skibell and Dylan Brown 5/9/17

U.S. EPA officials today continued the agency's push to identify regulations to modify or repeal under President Trump's deregulatory executive order.

About two dozen industry officials, environmental representatives and interested citizens presented comments at the Office of Land and Emergency Management in Arlington, Va., today — either recommending rules for repeal or calling on the agency to abandon specific regulatory efforts altogether.

OLEM promulgates rules under the Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Toxic Substances Control Act; Clean Air Act; and Emergency Planning and Community Right-to-Know Act. The office is also charged with oil spill prevention and preparedness regulations.

Timothy Steffek, scientific adviser for the American Petroleum Institute, raised concerns about EPA's proposed rule increasing the amount of insurance that hardrock mining companies must purchase to guarantee their sites are never added to the Superfund list.

Last year, when EPA published new financial assurance requirements, then-Administrator Gina McCarthy signed another notice that the agency would review Superfund insurance for industries like oil and coal (*Greenwire*, Dec. 2, 2016).

Steffek urged EPA to exclude oil and gas from the final determination.

EPA has until December to finalize the new hardrock standards under Section 108(b) of CERCLA as the result of a court order.

Environmental groups successfully sued to force EPA to act, but industry is pressing for the new administration to heed its concerns and choose the no-action alternative.

EPA Administrator Scott Pruitt recently met with Nevada Gov. Brian Sandoval (R), who echoed industry arguments that the rule would unnecessarily duplicate existing federal and state programs (*Greenwire*, April 28).

Scott Slesinger, legislative director for the Natural Resources Defense Council, scolded Steffek for his remarks, saying industry doesn't want to pay insurance.

Industries producing hazardous waste, he said, need to "maintain insurance to ensure that any hazardous spills are cleaned up rapidly without creating financial or health burdens on the public."

"Please, EPA, do your job, protect the American people," Slesinger said.

John Noel, Clean Water Action's national oil and gas campaigns coordinator, said he strongly objected to the entire premise of the executive order.

"Regulations, including environmental and health protections, are not holding our country back," he said. "On the contrary, regulations that protect our water and health are some of the most powerful driving forces for our economy and our communities."

He questioned whether the discussion around regulations is being conducted in good faith. He noted that Pruitt, on his LinkedIn page, boasted that he was a "leading advocate against the EPA's activist agenda."

Noel also pointed out that a large chunk of Pruitt's staff have worked with Sen. Jim Inhofe (R-Okla.), author of "The Greatest Hoax: How the Global Warming Conspiracy Threatens Your Future."

"Treating this process like it is a high-minded intellectual pursuit of federalism or to restore sanity at EPA is a joke," Noel said. "Scott Pruitt is a shill for the fossil fuel industry. There is no other way to say it."

He added that preventing pollution is often more cost-effective than cleaning it up later.

Both Chris Smith, director of federal public policy for the National Association of Chain Drug Stores, and Cassandra Horton, paralegal at the Retail Industry Leaders Association, asked EPA to reclassify products with low levels of nicotine.

Testifying separately, both noted that while consumers can throw away nicotine gum, patches and other cessation products at home, under RCRA even small traces of nicotine may be classified as hazardous waste, and therefore their disposal is highly regulated.

Horton said this made sense when there were large amounts of nicotine in pesticides in the 1980s, but not now. She said declassifying low-level nicotine products will save \$40 million in compliance costs.

Adrienne Hollis, director of federal policy for WE ACT for Environmental Justice, said low-income, minority communities often face the brunt of pollution. She said these communities are the most affected by toxic waste and, therefore, are the ones OLEM should be protecting.

Instead of measuring and judging a regulation by how much it costs to comply with and enforce, EPA should measure the value of a regulation by how well it protects vulnerable communities, she said.

The public hearing also featured a limited number of citizens — a fact that prompted some speakers to condemn EPA officials.

Dan Marrow is a Virginia resident whose home is near Dominion's Possum Point Power Station near Dumfries. About a year ago, he was watching a town meeting when he learned that Dominion Virginia Power had plans to bury large amounts of coal ash near his home.

He later discovered that his well water had been contaminated, but no one had informed him or his wife and daughters.

Marrow choked back tears as he tried to use his five minutes efficiently to explain why he feels EPA should require stricter regulations on coal ash disposal.

He said through his research he discovered that Dominion is one of the largest polluters in the state and also one of the largest campaign donors, saying he felt Virginia's Department of Environmental Quality was too "chummy" with the electric utility.

"While I work so hard to give my girls a loving home and keep them safe, we were being poisoned by our neighbors," he said.

Marrow said one of his daughters' hair began to fall out and his wife also suffered from some health problems.

"We're still struggling to find doctors who understand coal ash toxins," he said. "The value of our home has been destroyed."

He said current federal regulations are not enough.

"My family and Virginians deserve better," he said.

Katherine So

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From: So, Katherine
Sent: Fri 5/5/2017 1:41:36 PM
Subject: E&E News: EPA chief barnstorms Capitol Hill, 5/5/17

E&E News

<https://www.eenews.net/greenwire/2017/05/04/stories/1060054073>

EPA chief barnstorms Capitol Hill

By Geof Koss and Kevin Bogardus

U.S. EPA Administrator Scott Pruitt made the rounds on Capitol Hill yesterday, meeting with lawmakers from both parties.

Rep. John Shimkus (R-Ill.) was impressed with the agency chief. When EPA staff recently told Pruitt it would take a month to prepare a letter he needed to send for agency business, the former Oklahoma attorney general proposed his own solution.

"He says, 'I can write it in two hours, and I'll take it to a mailing house to get it out tomorrow,'" Shimkus told E&E News in an interview today. "And they said 'OK, we'll get it out tomorrow.'"

The anecdote, which the EPA chief shared with Shimkus during a private meeting last week, highlights Pruitt's approach to handling his new job as the nation's top environmental official.

"It just focuses on how he wants to get things done," Shimkus said. "Let the scientists, let the sources make the scientific judgements, but don't let the bureaucracy grind it down to 18 or 24 months."

Shimkus met again with Pruitt yesterday. The pair discussed issues within the jurisdiction of Shimkus' Energy and Commerce Subcommittee on Environment, including safe drinking water, brownfields, the Superfund program and regulatory reform, during the "awesome" meeting, Shimkus said.

Both men have pledged to give new attention to EPA's Superfund program, and Shimkus said he was impressed with Pruitt's knowledge of the West Lake Superfund site in St. Louis, a cleanup near his southern Illinois district that he's been following for years.

"He talks about the embarrassment that the EPA has still not rendered a record of decision for that site," Shimkus said. "And he says it's just ridiculous."

The takeaway for Shimkus from his two meetings was that Pruitt wants results.

"One way or another, get decisions made," he said. "I think he knows that he has a window of time to transformationally change the EPA to more of a service-oriented, 'We're working for the environment and jobs,' and I think he's laser-focused on that."

Shimkus wasn't the only lawmaker to receive a visit from Pruitt.

The EPA administrator also met with Reps. Ken Calvert (R-Calif.), Mike Conaway (R-Texas), Richard Hudson (R-N.C.) and Greg Walden (R-Ore.), chairman of the House Energy and Commerce Committee, as well as Sens. John Hoeven (R-N.D.), Heidi Heitkamp (D-N.D.) and John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee. Pruitt also sat down with Senate Majority Leader Mitch McConnell (R-Ky.).

In a statement yesterday, Heitkamp said she secured a commitment from Pruitt to visit North Dakota. In addition, she pushed the EPA chief on how he plans to review major environmental rules such as the Clean Power Plan as well as the Waters of the U.S. rule. The senator also questioned him about his support for the renewable fuel standard.

"Any regulatory relief from EPA needs to be lasting so those impacted can plan appropriately, and it should make a real difference for folks on the ground. Just as I pushed the previous administration to make regulations work better without jeopardizing programs that protect clean air and water in North Dakota, I'll do the same with this administration," Heitkamp said.

Hoeven put out his own statement, saying he also pressed Pruitt on the Clean Power Plan and Waters of the U.S. rule. And he asked Pruitt to approve North Dakota's application to be the primary regulator of Class VI injection wells, which inject carbon dioxide into the ground.

"The people of North Dakota and their elected officials deserve an EPA that is focused on the basics of protecting the environment, engaging with state and local partners, and ensuring sensible regulations for economic growth," Hoeven said.

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From: McGonagle, Kevin
Sent: Thur 5/4/2017 1:25:59 PM
Subject: InsideEPA: States predict 'sever impact' to waste programs under EPA FY18 budget, 5/4/17

InsideEPA

<https://insideepa.com/daily-news/states-predict-severe-impact-waste-programs-under-epa-fy18-budget>

States predict 'severe impact' to waste programs under EPA FY18 budget

By Suzanne Yohannan 5/3/17

State officials are warning that President Trump's fiscal year 2018 plan to slash EPA's budget would harm federal waste programs and "severely impact" environmental and public health protections and local economies, in some cases straining state programs so greatly that they risk returning delegated programs back to EPA.

As a result, the Association of State & Territorial Solid Waste Management Officials (ASTSWMO) representing state regulators sent [an April 21 letter](#) to Senate appropriators urging them against accepting the plan. The letter, obtained this week by *Inside EPA*, is addressed to Senate Appropriations Committee interior panel Chairman Lisa Murkowski (R-AK) and ranking member Tom Udall (D-NM), and copied to EPA's acting waste chief Barry Breen, among others.

"[P]rotection of public health and the environment would be severely impacted as would local hiring should the President's proposed budget be approved," ASTSWMO Executive Director Dania Rodriguez says in the letter. "Overall our members do not have the resources to provide funding to cover this steep cut from EPA, and a reduction in services could result in an economic impact on the business community," she adds.

The group appeals to the senators to ensure key funding goes forward to the waste programs, noting the proposed reductions "would undercut States' ability to meaningfully participate in a cooperative federalism dialogue." EPA Administrator Scott Pruitt has pledged to restore states' leading role under cooperative federalism.

The group asks that the budget approved by Congress “contain no rescissions or elimination of the State-Tribal Assistance Grants (STAG) for [Leaking Underground Storage Tank] and Hazardous Waste.”

Further, it stresses that states “cannot absorb the elimination of federal funding without significant loss in their ability to operate fully integrated functioning environmental programs.”

The letter responds to the administration’s proposal to cut EPA in FY18 by 31 percent, reducing its budget from roughly \$8.1 billion to \$5.7 billion.

Budget Cuts

A March 21 memo from EPA Acting Chief Financial Officer David Bloom provides a first look at how many of the program-level cuts would occur, including severe cuts to, and the elimination of, some waste programs.

For instance, the plan would lower the Superfund cleanup program’s budget by 30 percent and completely eliminate funds for the leaking underground storage tank (LUST) prevention program -- which was typically funded at \$25 million -- and for the agency’s waste minimization and recycling program. It would also cut other portions of the underground storage tank (UST) program, while reducing grants for brownfields and hazardous waste financial assistance and lowering funding and staff levels for the waste management program.

ASTSWMO’s letter outlines the projected impacts of the cuts, including the risk that state program authorizations could be lost, returned back to EPA, and the risk that such cuts will lead to higher cleanup costs in the future and negative impacts on local economies.

On brownfields, the EPA memo calls for cutting categorical grants to states for brownfields projects, despite widespread support in Congress and among local governments for the program. The memo outlines proposed cuts to brownfields categorical grants by \$14.4 million from an existing level of \$47.7 million, and cites cuts to other brownfields accounts.

ASTSWMO notes the role of brownfields redevelopment in addressing ailing infrastructure, where redevelopment of such properties reuses existing infrastructure, resulting in lower development costs. The proposed cuts to this program would hit states suddenly and significantly and “would cripple State programs,” ASTSWMO says. “[I]f State programs cannot remain responsive, community revitalization would suffer, resulting in negative effects on the local economy and the loss of jobs,” the group says.

States would be forced to scale back assistance they provide to urban and rural local governments, communities and others on brownfields projects, it says.

Waste Programs

On the impacts of cuts to the hazardous waste program, the states say they would have to significantly pull back on the number of compliance inspections they conduct at hazardous waste generator, treatment, storage and disposal facilities, noting that states perform 95 percent of the hazardous waste inspections across the country.

Pulling federal support to states would impede state hazardous waste programs’ ability to conduct “mission critical work, putting State authorization at risk,” ASTSWMO says. This could result in the mismanagement of hazardous waste and used oil and a rise in releases into the environment -- which in turn could increase state and federal costs in order to address new contamination, ASTSWMO says.

Specifically, the hazardous waste cuts would cause a drastic drop in the number of hazardous waste facility inspections, lower the number of permit activities, and drastically lower compliance assistance to communities and industries. Each state would lose between six and nine positions such as inspectors, engineers, geologists and risk assessors. Finally, states would return programs back to EPA, ASTSWMO says.

Under Superfund, the EPA memo outlines cuts to funding and staff from various programs, including emergency response and removal, remedial, enforcement and federal facilities. The proposal would slash \$330 million, or 30 percent, from Superfund cleanup spending in FY18.

For instance, the memo says Superfund emergency response and removal funds of \$144 million would be cut by \$29 million, and 19 full-time equivalent employees (FTEs) would be eliminated from the 244 FTEs allotted to that program. This would lower funds for non-time critical removal actions and non-cleanup support contracts, it says, "returning responsibility for cleanups to states and local communities."

But states say in response to Superfund cuts that they lack the resources to "step in and perform work that EPA would have funded." Specifically, they say that a 33 percent cut to management assistance grants to states would cause state agencies to scale back or stop work at a large portion of National Priorities List fund-led sites. The current workload would not be covered, much less any increase in the number of sites added to the Superfund program as a result of cuts to other program such as the hazardous waste or state cleanup programs, ASTSWMO says. "This would make it difficult to do anything beyond desktop work," it says.

As a result, risks to the public could increase due to potentially contaminated sites that have not yet been discovered. Further the Superfund cuts would "eliminate the ability to identify unacceptable risks that can be addressed by State response programs," and would result in states, on average, losing 4 FTEs and stopping work on an average of 9 sites each.

The Superfund cuts would also impede states' ability to coordinate on emergency responses such as spills, as well as slowing or halting their involvement in remedial action projects. Local contractors and jobs for Superfund sampling and field work would be adversely affected, it adds.

LUST Funding

On the cuts to the tanks programs -- which includes the elimination of the LUST prevention program and a 20 percent cut to the LUST cleanup program -- ASTSWMO says the impact would diminish state programs' ability to perform critical work and put state authorizations at risk. As a result, states would likely see more petroleum releases from USTs, leading to more groundwater contamination.

"Not investing in prevention and cleanup costs today will likely result in increased costs in the future," the group says, noting the strides the UST compliance program has made in recent years that have lowered the number of releases. That trend would be reversed under the EPA budget

cut proposal, it says. “Many States would likely divest from the program if there was a loss of federal commitment,” it says.

LUST and UST program cuts would also lower the number of inspections performed, increasing releases and reducing the number of cleanups completed, it says.

“States cannot absorb the elimination of federal funding without significant loss in their ability to operate a fully integrated functioning program that in addition to protecting human health is also very effective in returning LUST sites back into productive use (e.g., pharmacies, restaurants and retail stores).” Staff would also be cut, with states on average losing 4.8 FTEs, it says.

ASTSWMO also sees adverse impacts from the administration’s call to eliminate EPA’s waste minimization and recycling program -- which ASTSWMO says would mean eliminating the agency’s Sustainable Materials Management program. States rely on the program for information on solid waste recycling and disposal in order to set state and local environmental targets, among other uses. “States rely upon the information to benchmark waste reduction and diversion goals,” ASTSWMO says in the letter.

“The data itself, and EPA’s associated educational programs, bring transparency and efficiency to recyclable commodity markets,” it says. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

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To: Flynn, Mike[Flynn.Mike@epa.gov]
From: Vizian, Donna
Sent: Fri 6/2/2017 12:25:38 PM
Subject: FW: EO meeting
AA DAA RA DRA questionnaire response.xlsx

Ex. 5 - Deliberative Process

Melissa is here now and printing things. The OMB response is due today. I can send it in after we run through it

-----Original Message-----

From: Bell, Matthew
Sent: Friday, June 02, 2017 8:07 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: RE: EO meeting

Attached is the senior leader data

Ex. 5 - Deliberative Process

Sincerely,

Matthew Bell
Special Assistant
Office of Administration and Resources Management U.S. Environmental Protection Agency
(202)564-3282

-----Original Message-----

From: Vizian, Donna
Sent: Friday, June 02, 2017 7:41 AM
To: Bell, Matthew <Bell.Matthew@epa.gov>
Subject: EO meeting

GM. Ex. 5 - Deliberative Process ? Ex. 5 - Deliberative Process ?

To: Hope, Brian[Hope.Brian@epa.gov]
Cc: Pruitt, Scott[Pruitt.Scott@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Copper, Carolyn[Copper.Carolyn@epa.gov]; Christensen, Kevin[Christensen.Kevin@epa.gov]; Lovingood, Christina[Lovingood.Tina@epa.gov]; Eyermann, Richard[Eyermann.Richard@epa.gov]; Shields, Edward[Shields.Ed@epa.gov]; Larsen, Alan[Larsen.Alan@epa.gov]; Hanger, Eric[Hanger.Eric@epa.gov]; Kaplan, Jennifer[Kaplan.Jennifer@epa.gov]; Sheehan, Charles[Sheehan.Charles@epa.gov]; Mason, Darryl[Mason.Darryl@epa.gov]; El-Zoghbi, Christine[El-Zoghbi.Christine@epa.gov]; Sullivan, Patrick F.[Sullivan.Patrick@epa.gov]
From: Elkins, Arthur
Sent: Tue 5/30/2017 3:08:18 PM
Subject: FW: Prioritizing the Superfund Program -- OIG Reports
[OIG Work - Prioritizing Superfund Program.docx](#)

Ex. 5 - Deliberative Process; ACC

Hi Brian,

Attached, please find OIG work-products that the Administrator and team may find useful in subject analysis of the Superfund Program. If there are any questions, or if a briefing would be helpful, please let me know.

Thank you.

Art

Arthur Elkins

Inspector General

United States Environmental Protection Agency

From: Hope, Brian **On Behalf Of** EPAExecSec
Sent: Monday, May 22, 2017 5:39 PM
To: Flynn, Mike <Flynn.Mike@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Kavlock, Robert <Kavlock.Robert@epa.gov>; Breen, Barry

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Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: Prioritizing the Superfund Program

Please see the attached memorandum from Administrator Pruitt.

The OIG has dedicated resources in Superfund program audits, evaluations, and investigations resulting in many recommendations over the years to enhance the efficiency and effectiveness of this core EPA program and responsibility. The Administrator's May 22, 2017 memo "*Prioritizing the Superfund Program*" identified several topical areas for recommendations and improvement. These topical areas are listed in boxes below along with completed OIG reports that address these areas. In addition, we list OIG unimplemented recommendations as well as ongoing OIG work linked to these topical areas.

We hope this is useful to the important work underway by the task force.

Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.

COMPLETED OIG REPORTS:

- Progress Made, but Improvements Needed at CTS of Asheville Superfund Site in North Carolina to Advance Cleanup Pace and Reduce Potential Exposure
- Benefits of EPA Initiative to Promote Renewable Energy on Contaminated Lands Have Not Been Established
- EPA Needs to Improve Its Process for Accurately Designating Land as Clean and Protective for Reuse
- Better Planning, Execution and Communication Could Have Reduced the Delays in Completing a Toxicity Assessment of the Libby, Montana, Superfund Site
- Stronger Management Controls Will Improve EPA Five-Year Reviews of Superfund Sites
- EPA Has Made Progress in Assessing Historical Lead Smelter Sites But Needs to Strengthen Procedures
- EPA Should Improve Its Oversight of Federal Agency Superfund Reviews
- EPA Can Recover More Federal Superfund Money
- Improved Controls Would Reduce Superfund Backlogs
- EPA Can Better Manage Superfund Resources
- Internal Controls Needed to Control Costs of Superfund Technical Assessment & Response Team Contracts, as Exemplified in Region 7
- EPA's Financial Oversight of Superfund State Contracts Needs Improvement
- EPA Superfund Contract Initiatives and Controls to Reduce Fraud, Waste, and Abuse
- EPA Can Improve Its Preparation and Use of Independent Government Cost Estimates for Superfund Contracts
- EPA Should Increase Fixed-Price Contracting for Remedial Actions

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS:¹

¹ See: OIG Semi-Annual Report to Congress, Oct 1, 2016 – March 31, 2017. Only recommendations that remain unimplemented

Ex. 5 - Deliberative Process

ONGOING WORK:

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The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.

COMPLETED OIG REPORTS:

- EPA Has Improved Efforts to Reduce Unliquidated Obligations in Superfund Cooperative Agreements, But a Uniform Policy Is Needed
- EPA Can Improve Its Managing of Superfund Interagency Agreements with U.S. Army Corps of Engineers
- Idaho Superfund Credit Claim Under EPA Support Agency Cooperative Agreement No. V990431-01

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS: N/A

ONGOING WORK: N/A

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Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment, including to ensure that risk-management principles are considered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.

Ex. 5 - Deliberative Process

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS: N/A

ONGOING WORK: N/A

Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.

COMPLETED OIG REPORTS:

- Improved Management of Superfund Special Accounts Will Make More Funds Available for Clean-ups
- EPA Needs to Take More Action in Implementing Alternative Approaches to Superfund Cleanups
- EPA's Fiscal Years 2016 and 2015 Consolidated Financial Statements, November 15, 2016
- Follow-up on Audit of Undistributed Site Costs Finds Corrective Actions Not Complete
- Improvements Needed in Estimating and Leveraging Cost Savings Across EPA

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS:

Ex. 5 - Deliberative Process

ONGOING WORK:

Ex. 5 - Deliberative Process

Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.

COMPLETED OIG REPORTS:

- Significant Data Quality Deficiencies Impede EPA's Ability to Ensure Companies Can Pay for Cleanups
- OIG Response to Congressional Request on Superfund Administrative Costs
- EPA Should Bill Superfund Oversight Costs More Timely
- EPA Could Improve Its Redistribution of Superfund Payments to Specific Sites

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS:

Ex. 5 - Deliberative Process

ONGOING WORK:

N/A

Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

COMPLETED OIG REPORTS:

- Progress Made, but Improvements Needed at CTS of Asheville Superfund Site in North Carolina to Advance Cleanup Pace and Reduce Potential Exposure
- Independent Environmental Sampling Shows Some Properties Designated by EPA as Available for Use Had Some Contamination
- EPA Needs to Improve Its Process for Accurately Designating Land as Clean and Protective for Reuse
- EPA Must Implement Controls to Ensure Proper Investigations Are Conducted at Brownfields Sites
- EPA Should Improve Its Oversight of Federal Agency Superfund Reviews

UNIMPLEMENTED or FUTURE DATE RECOMMENDATIONS:

Ex. 5 - Deliberative Process

ONGOING WORK:

N/A

To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sparacino, Jessica
Sent: Wed 7/12/2017 5:07:24 PM
Subject: Reuters: Transcript of Reuters interview with EPA Administrator Scott Pruitt, 7/12/17

Reuters

<http://www.reuters.com/article/us-usa-epa-pruitt-text-idUSKBN19X01Z>

Transcript of Reuters interview with EPA Administrator Scott Pruitt

By: Richard Valdmanis, 7/11/17, 8:28 p.m.

(Reuters) - U.S. Environmental Protection Agency Administrator Scott Pruitt gave Reuters a wide-ranging interview on Monday at his office in Washington, discussing issues from climate science to automobile emissions.

The following is a full transcript of the interview:

REUTERS: You have said the EPA will focus on a “Back to Basics” approach under your leadership. What does this mean for how EPA enforces polluters? You have been critical of the idea of regulation by enforcement.

PRUITT: I think what I’m speaking about there is a consent decree approach to enforcement, where you use judicial proceedings to actually engage in regulation. Enforcement should be about existing regulations that you’re actually enforcing against someone who may be violating that, very much in the prosecutorial manner. As attorney general [in Oklahoma], I lived that. There was a grand jury that I led. Being a prosecutor, I understand very much the importance of prioritization, of enforcing the rule of law, of addressing bad actors. That’s something we are going to do in a meaningful way across the broad spectrum of cases, whether it is in the office of air or the superfund area, or otherwise.

REUTERS: Do you want to see states play a bigger role in enforcing polluters, even though some have less of a capacity to do so – financially and personnel wise?

PRUITT: I think the state's role is really, when you look at this office working with states it should be how do we assist, how do we engage in compliance and assistance with states. The office [at EPA that deals with enforcement] is called OECA, the Office of Enforcement, Compliance and Assistance, so those are the tools we have in the tool box to achieve better outcomes. So what we ought to be doing is working proactively with state DEQs [Departments of Environmental Quality] to get their state implementation plans [for federal regulations] timely submitted, provide assistance and technical support, drive a draft of state implementation plans and then actually work with them on how to achieve through those plans better outcomes and air and water quality. As far as enforcement is concerned we will actually work with states. We actually did that recently with Colorado, there was an oil and gas company that was emitting some 3,000 tons, is that what it was, it was quite a bit, of... it was an ozone case. In any event, we joined with Colorado in that prosecution. So sometimes states will do it, sometimes we will join with them. The importance is, in my view, that with respect to achieving good environmental outcomes, you need to use all of the tools in the toolbox to achieve that – compliance, assistance and enforcement – and use that enforcement in a meaningful impactful way to ensure that actions are addressed in a timely way.

REUTERS: Some of the pending settlements that are out there – Harley-Davidson for example – where do they stand? And would you look at some of these previous settlements that were reached during the last days of the Obama administration and revisit them?

PRUITT: Well, I'm not familiar with... I don't know the latest on the Harley Davidson case... My review predominantly has been with respect to the consent decrees that were being used to engage in regulation. There is a distinction there. I want to make sure I'm saying that clearly. In one instance with respect to enforcement you have a regulation that has already been adopted and a standard that has to be met and a company that is not meeting the standard that was set by regulation. That is enforcement. This is what OECA should be working with the states to address. The part that has not been handled well over the past several years is the part where you have the EPA sued by third party, not an enforcement mechanism, but sued by an NGO, and that NGO is asking the court to compel this agency to take certain steps, either through change in statute or time lines set by statute and then the agency will acquiesce through a consent decree changing the very statutory framework. That is regulation through litigation and that is inconsistent with the authority in my view of this agency. That has nothing to do with enforcement.

REUTERS: What are some examples that are egregious?

PRUITT: There is a host of consent decrees that I've inherited that we are evaluating on a case by case basis to see what authority we have to address those. But again, that is not enforcement that is completely under the banner of regulation by litigation. Let me say to you that it is important because Congress has said that as you engage in rulemaking you follow the administrative procedures act, which is you propose a rule, you take comment, you respond to that comment on the record, you make an informed decision and then you finalize the rule. The reason that is important is that is how you build consensus. That is how you hear from people at the state level. That is how you hear from states. That is how you hear from industry. All these various voices are heard in that process and you make a more robust and informed decision. And the merits of the rule, I think, are received better that way. And when you do it through one case, through litigation, and it is passed on to the rest of the country, voices are subverted in that process and it is not good decision-making.

REUTERS: With the cheat devices used by automakers to skirt EPA vehicle emission standards, did you think that some of those penalties were too harsh?

PRUITT: Look, what VW and Fiat... you've got this Fiat case that is on the horizon as well. The emails and the communications that I'm aware of: it was strategic and intentional and should be dealt with very aggressively. They knew very, very well what they did. I wouldn't call what was done too light at all. I'm fact, I would tell you that as we look forward... what VW did was very, very troublesome and we need to make sure it doesn't happen again.

REUTERS: Will you model EPA enforcement after what you did in Oklahoma as attorney general?

PRUITT: It is a completely different role that I had as attorney general. In fact, as I said during my confirmation process, the AG is not the enforcement arm at the state level with respect to permitting. That is DEQ. The environmental unit that we set up in the previous administration was not set up to address enforcement. It was actually set up to address a nuisance claim that was filed against a company on poultry waste that we dealt with in other ways with the state of Arkansas. Long and short of it, the role that I have here is very different from the role. As it turned out we were not the front-line enforcer. It was the DEQ and the state regulatory bodies. Now we did provide assistance to them through general counsel, and they provided support and input to them. But as far as a standalone enforcement arm, that was handled by the individual agencies in the state of Oklahoma. Which is different than here [at EPA]. We have a robust, very important role of enforcement here. We are coordinating with the regions, making sure there is consistency across the regions...I tried to explain it during the confirmation hearing.

Look at Superfund. People don't usually equate that with enforcement. Under the CERCLA statute [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980] we have joint and several liability with respect to potential responsible parties, and a large percentage of our portfolio at the Superfund is through responsible parties, private funding. I think the agency has not done the best job historically at holding those private parties accountable for the amount of waste and remediation that needs to take place. We have tremendous authority. I'm going to have a very thoughtful and meaningful enforcement response to Superfund to make sure that we are achieving good outcomes for citizens across the country with respect to that entire portfolio of 1,336 or so sites. Again, that is not often thought about in terms of enforcement. We think about air, we think about permitting, but we don't often think about remediation under CERCLA and I think we have got a lot of room for improvement and opportunity to get accountability in that area. I've got a report on my desk that spent thirty or so days. I'm doing the task force recommendations right now, on how to better achieve accountability from enforcement across the board.

REUTERS: But the administration's proposed budget for FY2018 proposes severe budget cuts across the board, including to Superfund ...

PRUITT: But there aren't. There aren't budget cuts across the board. We have a Continuing Resolution until the end of April that funded us around \$8 billion or so, and Congress is going through that process with respect to what the funding levels are going to be on Superfund. So the fact that we have a proposed budget... Congress is having that discussion and there haven't been any budget cuts taking place at this point and we're working with Congress to make sure that there is adequate funding to address both the enforcement side and the Superfund side.

REUTERS: When you saw the president's budget proposal which called for a 31 percent cut to the EPA budget, did it worry you?

PRUITT: I think there are certain parts of the agency that there is room for true legitimate cuts, and there are other parts of the agency where that is not the case - as it is in every department. But to take something like Superfund and say that whatever the proposed budget was means that we can't do what we need to do as far as our reform and accountability is just simply not accurate. Most of the challenges I've seen from the Superfund program have been related to attitude management leadership and less about money. But as I told Congress during the budget and nomination process, if I determine that we need more moneys there, we'll ask Congress, because that's the priority. Enforcement and Superfund are included in that category. When

you're funding [inaudible] million dollars you've got room to cut. But I can tell you this, the core mission of the agency – improving air and water quality, addressing remediation as far as the superfund sites – those types of priorities ...

REUTERS: There have been reports about the EPA launching what has been called a red team-blue team review of climate change science. Can you tell us more about this? Will this lead to a re-evaluation of the 2009 endangerment finding that carbon dioxide endangers human health?

PRUITT: I'm thinking about it. Steve Koonin, professor at NYU, did a very exciting piece in the Wall Street Journal called Red Team Blue Team. I scheduled time with Steve in my office the week that article came out. I didn't know it was coming out... So Steve and I were meeting about some other things, and we didn't really focus on that, but I took the opportunity to talk to him about it and ... we're considering it. I think the American people deserve and honest, open, transparent discussion. What do we know? What don't we know? Does it pose an existential threat, what can be done about it? etc... There are lots of questions that have not been asked and answered. Who better to do that than a group of scientists? Red team scientists and blue team scientists getting together and having a robust discussion about that for all the world to see. So, I'm not a scientist, I'm an attorney. That does beg the question because there is a follow-up question to that, which is what can be done about it [climate change] that is statutory and legal? But as I've shared with senators in the confirmation process, Congress has never responded to this issue. If you ask people that amended the Clean Air Act in 1990, including [former Michigan Democratic] Congressman Dingle, he is endlessly quoted as saying that if you try to regulate greenhouse gases under the Clean Air Act of 1990 that it would create "a glorious mess." So the Clean Air Act was truly set up to address local and regional air pollutants. So, you hear often about the regulation of GHG and CO₂, but there has to be a determination of what can be done. What are the tools in the toolbox? If the tools are not in the toolbox to address this issue, I can't, and this agency can't, just simply make it up. We can't re-imagine authority. The past administration tried to do that with its Clean Power Plan.

It was extraordinary what the Supreme Court did [in its 2014 ruling on the Utility Air Regulatory Group v. EPA case. The court backed the EPA's ability to regulate greenhouse gases from mobile and stationary sources but threw out its "tailoring rule," which revised the statutory thresholds for requiring federal air permits for greenhouse gases.] It said a lot. It said the authority the previous administration was trying to say that they had in regulating carbon dioxide wasn't there. So there are two parts to this question: what do we know/what don't we know? And two, what is the response...the statutory response? The red team blue team is intended to be a response that provides answers to the American people... the American people deserve, in my view, an open transparent honest discussion about this issue.... So we are contemplating being a part of that process.

REUTERS: The consensus has been overwhelming that climate change has been caused by human beings...

PRUITT: That's not the question. It is not a question about whether the climate is warming. It is not a question about whether human activity contributes to it. It is a question about how much we contribute to it? How do we measure that with precision? And by the way, are we on an unsustainable path? And what harm...is it causing an existential threat? There is another great piece in the New York Times by Brett Stephens, I think it was, that talked about the climate of complete certainty. His whole premise is that there is a basis of consensus we know but the politicians have done what? Created an elasticity approach. They've stretched it so far that it's reached a point where the credibility is being strained. That article, along with the red-team blue-team, I think those book-end this approach where we have a discussion about that. Some of the blue team scientists – they say oh we are not going to participate in that. Why not? Why don't you want to participate? It's like the New York Yankees according to them. It's like the New York Yankees playing a Little League team. If you're going to win and if you're so certain about it, come and do your deal. They shouldn't be scared of the debate and discussion. That's what science is all about. That's what scientific debate is about. Let's get red team scientists in. Let's get blue team scientists in. Let's let them question one another. That would be exciting to see.

REUTERS: But what would it look like?

PRUITT: It's in its formative stages. The idea is a good idea because it's an idea that advances science. It advances discussion. It advances transparency. It advances for the American people to consume and participate through this debate because there is not consensus on this issue. How do we know that? There has been no policy response. That's why we haven't seen Congress act because there has been such a question. It's not a question about whether warming is happening or whether we are contributing to it. That's not what we are debating. It's how much? To what degree? The precision of measurement. Does it pose a meaningful threat? Is it unsustainable? There is a host of questions that will be asked and answered during the process. It's exciting.

REUTERS: But how would this be brought to the public? Would you put it on television?

PRUITT: "I think so. I think so. I mean, I don't know yet, but you want this to be open to the world. You want this to be on full display. I think the American people would be very interested

in consuming that. I think they deserve it."

REUTERS: How do you guarantee the objectivity of scientists? Make sure there are no conflicts of interest?

PRUITT: That's why the red team blue team matters. Steve modeled this after national security and defense [exercises] - they kind of check one another. There is a consumption, an evaluation and interpretation. They will check one another.

REUTERS: Congress hasn't legislated on the endangerment finding. Will this scientific review lead to a review of the endangerment finding?

PRUITT: You have the 2007 Massachusetts vs. EPA ruling which most people misinterpret. Mass vs. EPA didn't say to the EPA that you must regulate CO2. What Mass vs. EPA said is that you must make a decision whether you regulate or not. You can't just simply not make a decision. That was whole thing about Mass vs. EPA. And then what happened in post script. What happened post script was in 2009 with the endangerment finding but that was for mobile sources. That's another thing that important. The endangerment funding was focused on mobile sources - cars - and section 111 [of the Clean Air Act]- what the [Obama administration] Clean Power Plan dealt with - was stationary sources. And they are separate requirements under section 111 of the Clean Air Act. There are a lot of process/ legal-related issues here that the previous administration didn't comply with. But the endangerment finding is only on the mobile side. When I say Congress hasn't responded, you've had a court case and an endangerment finding and then you've had an agency engage in regulatory response - by the way using tools currently in the Clean Air Act - and failed twice. They tried to respond to the endangerment finding by regulating under section 111 and failed and failed with the UARG decision (with the tailoring rule). So the question is begged - what are the tools in the toolbox? I talked about that in my confirmation hearing. I've talked about that with individual senators. It's something that Congress has to ask and answer. We have no authority except that which Congress gives us. We can't just simply make it up. The previous administration made it up with WOTUS [the Waters of the United States act]. They re-imagined authority in defining the Waters of the United States to include things that included dry creek beds and puddles. It just went too far and the sixth circuit struck that down or put a stay in place and did the same with CO2. This Supreme Court has been very, very clear that this agency, like any other agency in the federal government, can't simply re-imagine authority and a large authority beyond the statutory text. The scientific review - the red team blue team discussion - is intended to have an open transparent debate about something that is a policy issue that is extremely important in this country that is not taking place. The endangerment finding in 2009 was based on IPCC [United Nations Intergovernmental

Panel on Climate Change] information not on the science of this agency. The red team blue team is intended to provide that type of vehicle, mechanism, to have an open debate, discussion.

REUTERS: So you might take a look at the endangerment finding?

PRUITT: That's not what this is about. What this is about is exactly what I described.

REUTERS: Let's move on to the California waiver, which allows California to set its own more stringent emissions standards for vehicles. Is that something the EPA will review or change?

PRUITT: It's not under review right now.

REUTERS: Will you review it in the future?

PRUITT: The governor of California and I have traded correspondence with respect to California's role – very important. Congress has recognized it. They were regulating air quality before the Clean Air Act was adopted in 1972, which is why the California waiver exists. We've reached out to the California governor as part of our CAFE midterm review in 2018. I'm hopeful that the state of California, the governor there, will respond with reciprocity and we are working through that process.

REUTERS: Are there any meetings taking place now with automakers?

PRUITT: I don't know what conversations have taken place between automakers and California. The president and I were in Detroit announcing that the midterm review was going to take place when it should have taken place which is April of 2018, which is 16 months early, which occurred January this year. We restored process there and order there. We're going through the process now and we've reached out to California and believe that it is important to have a holistic discussion with California and we're optimistic that they will respond with reciprocity.

REUTERS: On the Renewable Fuel Standard- How seriously is the EPA taking the proposal by Trump advisor and billionaire investor Carl Icahn to move the point of obligation?

PRUITT: As you know, 18,000 comments were submitted. That was actually the process that began late in the last administration. We are still reviewing those comments. But the RFS is something – look, it's a statute that Congress has passed. And Congress – I take seriously the importance of enforcing a statute that Congress has passed and there are some challenges to that statute as you know. there are targets that have been put in prescriptively in the statute such as billions of gallons of cellulosic being blended into the fuel supply when I think the last numbers we had as far as produced numbers are around 190 million that's actually production. That's a problem and it makes it tough administering the statute. I think whatever waiver authority we use we use it judiciously. Tied to production and actual market demand. Our job is to fulfill the objectives as best as possible of the statute and we're going to do that. The RVOs [renewable volume obligations] were supposed to be published every year in November. The past administration didn't do that timely. We are. We are going to have those out in November. We're on path to do that which is very good for people across the country to know what is expected of them. That's going to be done timely. We just released our proposed volume numbers and the preamble and in the language of the RVOs we talked about production demand market realities with respect to those advanced fuels. We are seeking to do our job there in a very meaningful way. There is a lot of discussion on Capitol Hill about the statute and perhaps a bipartisan approach to update the statute because it actually expires in 2022 and so there's a lot of discussion about trying to update the statute. It's well received here and I encourage Congress to continue that.

REUTERS: What is your strategy with your legal defense of your moves to undo the Obama era rules? The D.C. Circuit Court of Appeals last week denied your bid to delay the Obama administration's regulations on methane.

PRUITT: There are various authorities. That (methane case) was a case about our authority to stay certain rules. That's distinct from withdrawing rules. On WOTUS [the Waters of the United States rule] we've actually proposed a withdrawal. I signed that on June 27 on energy dominance week. I think that our section 307 stay that we used there was because we were up against the compliance time and try to use authority that we thought was well established. We are going to respond to that accordingly. But going forward... I think it was a case focused on the facts of that particular case. I don't think it says anything to us with respect to authority we have to stay under section 705 of the administrative procedures act or section 307 of the Clean Air Act. Those are well established procedures we have. We will use them accordingly as necessary. That's what we are doing on the Clean Power Plan. We have a proposed rule to withdraw the CPP.

What comes next is yet to be determined but what we do know with regards to that particular rule is that SCOTUS has issued a stay against it which means there is a likelihood of success on the merits as far as it being inconsistent with statutory authority and so it's not wise of this agency to use resources to advance the defense of a rule that maybe deficient. We are going to withdraw that and see what our authority is- the tools in the toolbox on that particular issue.

REUTERS: On Paris and climate change, polls show younger people are more supportive of U.S leadership on climate change. How do you explain your decision to a younger generation?

PRUITT: That's not what Paris was about. I get what you're saying but here's the deal though. It was not about whether the U.S. is going to continue leading on reducing our CO2 footprint because Paris didn't actually do that. Paris was a bumper sticker. Go back and read the articles about the criticism that was levied on the environmental left. They were very critical and dismissive of the Paris agreement. You know why? Because China didn't have to do anything until 2030 and India conditioned all of their obligations upon receiving two and a half trillion dollars of aid. Russia, India and China contributed 0 dollars to the Green Climate Fund. People have short memories there. We are already at pre 94 levels and we exited Kyoto in 2001 and from 2000 to 2014 we reduced our CO2 foot print by 18 plus percent. That's better than others across the globe. When people really want action and meaningful outcomes with regards to this, we are doing it. We are at pre-1994 levels. Paris was not in my view – it shouldn't be symbolic or optical with respect to whether progress or no progress is being made in CO2 reduction.

REUTERS: What do you think about the argument some major fossil fuel companies like Exxon and Cloud Peak Energy (coal company) made that it is better for the US to remain in the Paris agreement because it gives them a competitive advantage?

I don't understand that argument. I just simply don't understand that argument because if they are saying that the technology that is being developed domestically that we are not going to be able to export and other countries will be interested in? Where is the evidence of that? China is still building coal facilities to the tune of almost one a day. They had 800 planned and they have scaled that back. India is going to continue burning coal. What we ought to be doing is exporting technology and innovation to help them do it cleaner. It is not the job of this agency and it shouldn't be the job of any regulatory body to force or pick winners and losers in the energy mix. We need fuel diversity as far as the generation of electricity because you can only get so much natural gas through the pipelines. So if there is an attack on your infrastructure with regards to the pipes and how natural gas is delivered to generate electricity, what do you do? You have to have a solid amount of hydrocarbons – coal stored on site – that allows you to address peak demand. If GDP growth is going to continue at 3 percent, then you've got to have

[fuel] diversity- it's energy security across the board. It's unwise in business to have one client or two clients. It's unwise in electricity to have one source or two sources. In Oklahoma – 18 percent of our electricity is wind generated. This is an all of the above approach and EPA should not get in the business of foisting upon the markets decisions to say don't burn fossil fuels. The past administration was unapologetic. That's not what regulation should be about. Now Paris? Paris was a bad business deal for this country at the end of the day. It put us at an economic disadvantage. The US has never been about agreeing to targets. In this case, 26 - 28 percent [**the U.S. pledge for emissions reductions under the Paris agreement] in this instance. Every rule that the previous administration adopted... Their entire climate action plan – fell 40 percent short. It was failed from the very beginning. So why did they go to Paris and agree to 26-28 percent targets? Because it provided exposure domestically. Third party groups – NGOs – could sue this agency and say you need to do more under section 115 of the Clean Air Act [a section of the CAA that enables the United States to work cooperatively with other nations to address trans-boundary air pollution]. So there was legal exposure and we were already leading the world with respect to CO2 reduction. To interpret the president – who said by the way engagement, renegotiate or another agreement – but the Paris agreement is bad for this country and doesn't achieve good environmental outcomes. We have nothing to be apologetic about with regards to what we are already going. It was absolutely a decision of courage and fortitude and truly represented an America First strategy with respect to how we are leading on this issue. Germany is burning more coal.

REUTERS: Didn't the US position on Paris isolate the United States at G20?

PRUITT: The past administration was all about words. This administration is all about action. Look at the actions this country has taken. We have reduced our greenhouse gas levels to pre 1994 levels primarily through technology and innovation, not through government mandate. We have nothing to be apologetic about with the rest of the world. And if we really want to do something about reducing the CO2 footprint, then hydraulic fracturing and horizontal drilling need to be exported to China and India and Europe because that has created the greatest reduction in CO2. And nuclear. Why is Germany going away from nuclear? They are abolishing their nuclear portfolio and increasing what? Their CO2 emissions. Why doesn't anyone talk to chancellor Merkel about that?

REUTERS: Do you ever talk to your kids about climate change? Do they agree with you?

PRUITT: My kids are wonderfully talented individuals and their world view is wonderful. They look at these issues in a smart way and I think they would probably echo the things that I have shared.

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Sent: Wed 7/12/2017 1:17:00 PM
Subject: Reuters Interview Transcript I mentioned this morning .. thanks ng
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(Reuters) - U.S. Environmental Protection Agency Administrator Scott Pruitt gave Reuters a wide-ranging interview on Monday at his office in Washington, discussing issues from climate science to automobile emissions.

The following is a full transcript of the interview:

REUTERS: You have said the EPA will focus on a “Back to Basics” approach under your leadership. What does this mean for how EPA enforces polluters? You have been critical of the idea of regulation by enforcement.

PRUITT: I think what I’m speaking about there is a consent decree approach to enforcement, where you use judicial proceedings to actually engage in regulation. Enforcement should be about existing regulations that you’re actually enforcing against someone who may be violating that, very much in the prosecutorial manner. As attorney general [in Oklahoma], I lived that. There was a grand jury that I led. Being a prosecutor, I understand very much the importance of prioritization, of enforcing the rule of law, of addressing bad actors. That’s something we are going to do in a meaningful way across the broad spectrum of cases, whether it is in the office of air or the superfund area, or otherwise.

REUTERS: Do you want to see states play a bigger role in enforcing polluters, even though some have less of a capacity to do so – financially and personnel wise?

PRUITT: I think the state’s role is really, when you look at this office working with states it should be how do we assist, how do we engage in compliance and assistance with states. The office [at EPA that deals with enforcement] is called OECA, the Office of Enforcement, Compliance and Assistance, so those are the tools we have in the tool box to achieve better outcomes. So what we ought to be doing is working proactively with state DEQs [Departments of Environmental Quality] to get their state implementation plans [for federal regulations] timely submitted, provide assistance and technical support, drive a draft of state implementation plans and then actually work with them on how to achieve through those plans better outcomes and air and water quality. As far as enforcement is concerned we will actually work with states. We actually did that recently with Colorado, there was an oil and gas company that was emitting some 3,000 tons, is that what it was, it was quite a bit, of... it was an ozone case. In any event, we joined with Colorado in that prosecution. So sometimes states will do it, sometimes we will join with them. The importance is, in my view, that with respect to achieving good environmental outcomes, you need to use all of the tools in the toolbox to achieve that – compliance, assistance and enforcement – and use that enforcement in a meaningful impactful way to ensure that actions are addressed in a timely way.

REUTERS: Some of the pending settlements that are out there – Harley-Davidson for example – where do they stand? And would you look at some of these previous settlements that were reached during the last days of the Obama administration and revisit them?

PRUITT: Well, I’m not familiar with... I don’t know the latest on the Harley Davidson case... My review predominantly has been with respect to the consent decrees that were being used to engage in regulation. There is a distinction there. I want to make sure I’m saying that clearly. In one instance with respect to enforcement you have a regulation that has already been adopted and a standard that has to be met and a company that is not meeting the standard that was set by regulation. That is enforcement. This is what OECA should be working with the states to address. The part that has not been handled well over the past several years is the part where you

have the EPA sued by third party, not an enforcement mechanism, but sued by an NGO, and that NGO is asking the court to compel this agency to take certain steps, either through change in statute or time lines set by statute and then the agency will acquiesce through a consent decree changing the very statutory framework. That is regulation through litigation and that is inconsistent with the authority in my view of this agency. That has nothing to do with enforcement.

REUTERS: What are some examples that are egregious?

PRUITT: There is a host of consent decrees that I've inherited that we are evaluating on a case by case basis to see what authority we have to address those. But again, that is not enforcement that is completely under the banner of regulation by litigation. Let me say to you that it is important because Congress has said that as you engage in rulemaking you follow the administrative procedures act, which is you propose a rule, you take comment, you respond to that comment on the record, you make an informed decision and then you finalize the rule. The reason that is important is that is how you build consensus. That is how you hear from people at the state level. That is how you hear from states. That is how you hear from industry. All these various voices are heard in that process and you make a more robust and informed decision. And the merits of the rule, I think, are received better that way. And when you do it through one case, through litigation, and it is passed on to the rest of the country, voices are subverted in that process and it is not good decision-making.

REUTERS: With the cheat devises used by automakers to skirt EPA vehicle emission standards, did you think that some of those penalties were too harsh?

PRUITT: Look, what VW and Fiat... you've got this Fiat case that is on the horizon as well. The emails and the communications that I'm aware of: it was strategic and intentional and should be dealt with very aggressively. They knew very, very well what they did. I wouldn't call what was done too light at all. I'm fact, I would tell you that as we look forward... what VW did was very, very troublesome and we need to make sure it doesn't happen again.

REUTERS: Will you model EPA enforcement after what you did in Oklahoma as attorney general?

PRUITT: It is a completely different role that I had as attorney general. In fact, as I said during my confirmation process, the AG is not the enforcement arm at the state level with respect to permitting. That is DEQ. The environmental unit that we set up in the previous administration was not set up to address enforcement. It was actually set up to address a nuisance claim that was filed against a company on poultry waste that we dealt with in other ways with the state of Arkansas. Long and short of it, the role that I have here is very different from the role. As it turned out we were not the front-line enforcer. It was the DEQ and the state regulatory bodies. Now we did provide assistance to them through general counsel, and they provided support and input to them. But as far as a standalone enforcement arm, that was handled by the individual agencies in the state of Oklahoma. Which is different than here [at EPA]. We have a robust, very important role of enforcement here. We are coordinating with the regions, making sure there is consistency across the regions...I tried to explain it during the confirmation hearing.

Look at Superfund. People don't usually equate that with enforcement. Under the CERCLA statute [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980] we have joint and several liability with respect to potential responsible parties, and a large

percentage of our portfolio at the Superfund is through responsible parties, private funding. I think the agency has not done the best job historically at holding those private parties accountable for the amount of waste and remediation that needs to take place. We have tremendous authority. I'm going to have a very thoughtful and meaningful enforcement response to Superfund to make sure that we are achieving good outcomes for citizens across the country with respect to that entire portfolio of 1,336 or so sites. Again, that is not often thought about in terms of enforcement. We think about air, we think about permitting, but we don't often think about remediation under CERCLA and I think we have got a lot of room for improvement and opportunity to get accountability in that area. I've got a report on my desk that spent thirty or so days. I'm doing the task force recommendations right now, on how to better achieve accountability from enforcement across the board.

REUTERS: But the administration's proposed budget for FY2018 proposes severe budget cuts across the board, including to Superfund ...

PRUITT: But there aren't. There aren't budget cuts across the board. We have a Continuing Resolution until the end of April that funded us around \$8 billion or so, and Congress is going through that process with respect to what the funding levels are going to be on Superfund. So the fact that we have a proposed budget... Congress is having that discussion and there haven't been any budget cuts taking place at this point and we're working with Congress to make sure that there is adequate funding to address both the enforcement side and the Superfund side.

REUTERS: When you saw the president's budget proposal which called for a 31 percent cut to the EPA budget, did it worry you?

PRUITT: I think there are certain parts of the agency that there is room for true legitimate cuts, and there are other parts of the agency where that is not the case - as it is in every department. But to take something like Superfund and say that whatever the proposed budget was means that we can't do what we need to do as far as our reform and accountability is just simply not accurate. Most of the challenges I've seen from the Superfund program have been related to attitude management leadership and less about money. But as I told Congress during the budget and nomination process, if I determine that we need more moneys there, we'll ask Congress, because that's the priority. Enforcement and Superfund are included in that category. When you're funding [inaudible] million dollars you've got room to cut. But I can tell you this, the core mission of the agency - improving air and water quality, addressing remediation as far as the superfund sites - those types of priorities ...

REUTERS: There have been reports about the EPA launching what has been called a red team-blue team review of climate change science. Can you tell us more about this? Will this lead to a re-evaluation of the 2009 endangerment finding that carbon dioxide endangers human health?

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scientists getting together and having a robust discussion about that for all the world to see. So, I'm not a scientist, I'm an attorney. That does beg the question because there is a follow-up question to that, which is what can be done about it [climate change] that is statutory and legal? But as I've shared with senators in the confirmation process, Congress has never responded to this issue. If you ask people that amended the Clean Air Act in 1990, including [former Michigan Democratic] Congressman Dingle, he is endlessly quoted as saying that if you try to regulate greenhouse gases under the Clean Air Act of 1990 that it would create "a glorious mess." So the Clean Air Act was truly set up to address local and regional air pollutants. So, you hear often about the regulation of GHG and CO₂, but there has to be a determination of what can be done. What are the tools in the toolbox? If the tools are not in the toolbox to address this issue, I can't, and this agency can't, just simply make it up. We can't re-imagine authority. The past administration tried to do that with its Clean Power Plan.

It was extraordinary what the Supreme Court did [in its 2014 ruling on the Utility Air Regulatory Group v. EPA case. The court backed the EPA's ability to regulate greenhouse gases from mobile and stationary sources but threw out its "tailoring rule," which revised the statutory thresholds for requiring federal air permits for greenhouse gases.] It said a lot. It said the authority the previous administration was trying to say that they had in regulating carbon dioxide wasn't there. So there are two parts to this question: what do we know/what don't we know? And two, what is the response...the statutory response? The red team blue team is intended to be a response that provides answers to the American people... the American people deserve, in my view, an open transparent honest discussion about this issue.... So we are contemplating being a part of that process.

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REUTERS: But how would this be brought to the public? Would you put it on television?

PRUITT: "I think so. I think so. I mean, I don't know yet, but you want this to be open to the world. You want this to be on full display. I think the American people would be very interested in consuming that. I think they deserve it."

REUTERS: How do you guarantee the objectivity of scientists? Make sure there are no conflicts of interest?

PRUITT: That's why the red team blue team matters. Steve modeled this after national security and defense [exercises] - they kind of check one another. There is a consumption, an evaluation and interpretation. They will check one another.

REUTERS: Congress hasn't legislated on the endangerment finding. Will this scientific review lead to a review of the endangerment finding?

PRUITT: You have the 2007 Massachusetts vs. EPA ruling which most people misinterpret. Mass vs. EPA didn't say to the EPA that you must regulate CO2. What Mass vs. EPA said is that you must make a decision whether you regulate or not. You can't just simply not make a decision. That was whole thing about Mass vs. EPA. And then what happened in post script. What happened post script was in 2009 with the endangerment finding but that was for mobile sources. That's another thing that important. The endangerment funding was focused on mobile sources - cars - and section 111 [of the Clean Air Act] - what the [Obama administration] Clean Power Plan dealt with - was stationary sources. And they are separate requirements under section 111 of the Clean Air Act. There are a lot of process/ legal-related issues here that the previous administration didn't comply with. But the endangerment finding is only on the mobile side. When I say Congress hasn't responded, you've had a court case and an endangerment finding and then you've had an agency engage in regulatory response - by the way using tools currently in the Clean Air Act - and failed twice. They tried to respond to the endangerment finding by regulating under section 111 and failed and failed with the UARG decision (with the tailoring rule). So the question is begged - what are the tools in the toolbox? I talked about that in my confirmation hearing. I've talked about that with individual senators. It's something that Congress has to ask and answer. We have no authority except that which Congress gives us. We can't just simply make it up. The previous administration made it up with WOTUS [the Waters of the United States act]. They re-imagined authority in defining the Waters of the United States to include things that included dry creek beds and puddles. It just went too far and the sixth circuit struck that down or put a stay in place and did the same with CO2. This Supreme Court has been very, very clear that this agency, like any other agency in the federal government, can't simply re-imagine authority and a large authority beyond the statutory text. The scientific review - the red team blue team discussion - is intended to have an open transparent debate about something that is a policy issue that is extremely important in this country that is not taking place. The endangerment finding in 2009 was based on IPCC [United Nations Intergovernmental Panel on Climate Change] information not on the science of this agency. The red team blue team is intended to provide that type of vehicle, mechanism, to have an open debate, discussion.

REUTERS: So you might take a look at the endangerment finding?

PRUITT: That's not what this is about. What this is about is exactly what I described.

REUTERS: Let's move on to the California waiver, which allows California to set its own more stringent emissions standards for vehicles. Is that something the EPA will review or change?

PRUITT: It's not under review right now.

REUTERS: Will you review it in the future?

PRUITT: The governor of California and I have traded correspondence with respect to California's role – very important. Congress has recognized it. They were regulating air quality before the Clean Air Act was adopted in 1972, which is why the California waiver exists. We've reached out to the California governor as part of our CAFE midterm review in 2018. I'm hopeful that the state of California, the governor there, will respond with reciprocity and we are working through that process.

REUTERS: Are there any meetings taking place now with automakers?

PRUITT: I don't know what conversations have taken place between automakers and California. The president and I were in Detroit announcing that the midterm review was going to take place when it should have taken place which is April of 2018, which is 16 months early, which occurred January this year. We restored process there and order there. We're going through the process now and we've reached out to California and believe that it is important to have a holistic discussion with California and we're optimistic that they will respond with reciprocity.

REUTERS: On the Renewable Fuel Standard- How seriously is the EPA taking the proposal by Trump advisor and billionaire investor Carl Icahn to move the point of obligation?

PRUITT: As you know, 18,000 comments were submitted. That was actually the process that began late in the last administration. We are still reviewing those comments. But the RFS is something – look, it's a statute that Congress has passed. And Congress – I take seriously the importance of enforcing a statute that Congress has passed and there are some challenges to that statute as you know. There are targets that have been put in prescriptively in the statute such as billions of gallons of cellulosic being blended into the fuel supply when I think the last numbers we had as far as produced numbers are around 190 million that's actually production. That's a problem and it makes it tough administering the statute. I think whatever waiver authority we use we use it judiciously. Tied to production and actual market demand. Our job is to fulfill the objectives as best as possible of the statute and we're going to do that. The RVOs [renewable volume obligations] were supposed to be published every year in November. The past administration didn't do that timely. We are. We are going to have those out in November. We're on path to do that which is very good for people across the country to know what is expected of them. That's going to be done timely. We just released our proposed volume numbers and the preamble and in the language of the RVOs we talked about production demand market realities with respect to those advanced fuels. We are seeking to do our job there in a very meaningful way. There is a lot of discussion on Capitol Hill about the statute and perhaps a bipartisan approach to update the statute because it actually expires in 2022 and so there's a lot of discussion about trying to update the statute. It's well received here and I encourage Congress to continue that.

REUTERS: What is your strategy with your legal defense of your moves to undo the Obama era

rules? The D.C. Circuit Court of Appeals last week denied your bid to delay the Obama administration's regulations on methane.

PRUITT: There are various authorities. That (methane case) was a case about our authority to stay certain rules. That's distinct from withdrawing rules. On WOTUS [the Waters of the United States rule] we've actually proposed a withdrawal. I signed that on June 27 on energy dominance week. I think that our section 307 stay that we used there was because we were up against the compliance time and try to use authority that we thought was well established. We are going to respond to that accordingly. But going forward... I think it was a case focused on the facts of that particular case. I don't think it says anything to us with respect to authority we have to stay under section 705 of the administrative procedures act or section 307 of the Clean Air Act. Those are well established procedures we have. We will use them accordingly as necessary. That's what we are doing on the Clean Power Plan. We have a proposed rule to withdraw the CPP. What comes next is yet to be determined but what we do know with regards to that particular rule is that SCOTUS has issued a stay against it which means there is a likelihood of success on the merits as far as it being inconsistent with statutory authority and so it's not wise of this agency to use resources to advance the defense of a rule that maybe deficient. We are going to withdraw that and see what our authority is- the tools in the toolbox on that particular issue.

REUTERS: On Paris and climate change, polls show younger people are more supportive of U.S. leadership on climate change. How do you explain your decision to a younger generation?

PRUITT: That's not what Paris was about. I get what you're saying but here's the deal though. It was not about whether the U.S. is going to continue leading on reducing our CO2 footprint because Paris didn't actually do that. Paris was a bumper sticker. Go back and read the articles about the criticism that was levied on the environmental left. They were very critical and dismissive of the Paris agreement. You know why? Because China didn't have to do anything until 2030 and India conditioned all of their obligations upon receiving two and a half trillion dollars of aid. Russia, India and China contributed 0 dollars to the Green Climate Fund. People have short memories there. We are already at pre 94 levels and we exited Kyoto in 2001 and from 2000 to 2014 we reduced our CO2 foot print by 18 plus percent. That's better than others across the globe. When people really want action and meaningful outcomes with regards to this, we are doing it. We are at pre-1994 levels. Paris was not in my view – it shouldn't be symbolic or optical with respect to whether progress or no progress is being made in CO2 reduction.

REUTERS: What do you think about the argument some major fossil fuel companies like Exxon and Cloud Peak Energy (coal company) made that it is better for the US to remain in the Paris agreement because it gives them a competitive advantage?

I don't understand that argument. I just simply don't understand that argument because if they are saying that the technology that is being developed domestically that we are not going to be able to export and other countries will be interested in? Where is the evidence of that? China is still building coal facilities to the tune of almost one a day. They had 800 planned and they have scaled that back. India is going to continue burning coal. What we ought to be doing is exporting technology and innovation to help them do it cleaner. It is not the job of this agency and it shouldn't be the job of any regulatory body to force or pick winners and losers in the energy mix. We need fuel diversity as far as the generation of electricity because you can only get so much natural gas through the pipelines. So if there is an attack on your infrastructure with regards to the pipes and how natural gas is delivered to generate electricity, what do you do?

You have to have a solid amount of hydrocarbons – coal stored on site – that allows you to address peak demand. If GDP growth is going to continue at 3 percent, then you’ve got to have [fuel] diversity- it’s energy security across the board. It’s unwise in business to have one client or two clients. It’s unwise in electricity to have one source or two sources. In Oklahoma – 18 percent of our electricity is wind generated. This is an all of the above approach and EPA should not get in the business of foisting upon the markets decisions to say don’t burn fossil fuels. The past administration was unapologetic. That’s not what regulation should be about. Now Paris? Paris was a bad business deal for this country at the end of the day. It put us at an economic disadvantage. The US has never been about agreeing to targets. In this case, 26 - 28 percent [**the U.S. pledge for emissions reductions under the Paris agreement] in this instance. Every rule that the previous administration adopted... Their entire climate action plan – fell 40 percent short. It was failed from the very beginning. So why did they go to Paris and agree to 26-28 percent targets? Because it provided exposure domestically. Third party groups – NGOs – could sue this agency and say you need to do more under section 115 of the Clean Air Act [a section of the CAA that enables the United States to work cooperatively with other nations to address trans-boundary air pollution]. So there was legal exposure and we were already leading the world with respect to CO2 reduction. To interpret the president – who said by the way engagement, renegotiate or another agreement – but the Paris agreement is bad for this country and doesn’t achieve good environmental outcomes. We have nothing to be apologetic about with regards to what we are already going. It was absolutely a decision of courage and fortitude and truly represented an America First strategy with respect to how we are leading on this issue. Germany is burning more coal.

REUTERS: Didn’t the US position on Paris isolate the United States at G20?

PRUITT: The past administration was all about words. This administration is all about action. Look at the actions this country has taken. We have reduced our greenhouse gas levels to pre 1994 levels primarily through technology and innovation, not through government mandate. We have nothing to be apologetic about with the rest of the world. And if we really want to do something about reducing the CO2 footprint, then hydraulic fracturing and horizontal drilling need to be exported to China and India and Europe because that has created the greatest reduction in CO2. And nuclear. Why is Germany going away from nuclear? They are abolishing their nuclear portfolio and increasing what? Their CO2 emissions. Why doesn’t anyone talk to chancellor Merkel about that?

REUTERS: Do you ever talk to your kids about climate change? Do they agree with you?

PRUITT: My kids are wonderfully talented individuals and their world view is wonderful. They look at these issues in a smart way and I think they would probably echo the things that I have shared.

(Writing by Richard Valdmanis)

To: Flynn, Mike[Flynn.Mike@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Coleman, Sam
Sent: Tue 7/11/2017 3:41:17 PM
Subject: FW: SF Task Force Recommendations
SF TF July 10 .docx

FYSA

Samuel Coleman, P.E.

Deputy Regional Administrator

EPA Region 6

coleman.sam@epa.gov

214.665.2100 Ofc

214.665.3110 Direct

Ex. 6 - Personal Privacy Cell

From: Edlund, Carl
Sent: Tuesday, July 11, 2017 9:59 AM
To: Coleman, Sam <Coleman.Sam@epa.gov>; Gray, David <gray.david@epa.gov>; Payne, James <payne.james@epa.gov>
Subject: FW: SF Task Force Recommendations

FYI....

From: Melvin, Karen
Sent: Tuesday, July 11, 2017 7:54 AM
To: Olson, Bryan <Olson.Bryan@epa.gov>; Prince, John <Prince.John@epa.gov>; Hill, Franklin <Hill.Franklin@epa.gov>; Guerriero, Margaret <guerriero.margaret@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Bilbrey, Sheryl <Bilbrey.Sheryl@epa.gov>
Cc: Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>

Subject: SF Task Force Recommendations

Good morning. Kell wanted to share the recommendations of the SF 30 Day Task Force for your information. It is currently with the Administrator, **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process If you had staff involved, you know that a lot of hard work went into this. If you have any concerns/comments, let me know.

Also, Kell would like to establish bi-weekly, standing calls with each of the DDs. He would like to start scheduling individual, bi-weekly calls at 4:00pm EST. For example, R1 on the 1st Monday of the pay period, R2 on the 1st Tuesday, R3 on the 1st Wednesday.....R6 on the 2nd Monday of the pay period, R7 on the 2nd Tuesday; and so on. If you cannot accommodate your “assigned” day, let me know and we can switch it up.

Thanks.

Karen Melvin, Director

Hazardous Site Cleanup Division

US EPA, Region 3

1650 Arch Street

Philadelphia, PA 19103

215-814-3275



From: Falvo, Nicholas

Sent: Monday, July 10, 2017 6:50 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Subject: RE: CURRENT DRAFT

Here you go.

If you could, please include me in on the email you send to the DDs.

From: Melvin, Karen
Sent: Monday, July 10, 2017 4:47 PM
To: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: RE: CURRENT DRAFT

Yes and yes! Thanks for your help, Nick!

Karen Melvin, Director
Hazardous Site Cleanup Division
US EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-3275



From: Falvo, Nicholas
Sent: Monday, July 10, 2017 4:47 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Subject: RE: CURRENT DRAFT

Kell and I are about to work on the latest draft. I will send this evening when the most recent version is ready.

Also – is there a way Kell and I could get added to any SF DD distribution list, if there is one?

From: Melvin, Karen
Sent: Monday, July 10, 2017 3:19 PM
To: Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: RE: CURRENT DRAFT

Sure! Thanks

Karen Melvin, Director
Hazardous Site Cleanup Division
US EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103
215-814-3275



From: Falvo, Nicholas
Sent: Monday, July 10, 2017 3:17 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Subject: Re: CURRENT DRAFT

Can I send you a fresh copy around 4:30?

Sent from my iPhone

On Jul 10, 2017, at 3:12 PM, Melvin, Karen <Melvin.Karen@epa.gov> wrote:

Nick,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Karen Melvin, Director

Hazardous Site Cleanup Division

US EPA, Region 3

1650 Arch Street

Philadelphia, PA 19103

215-814-3275

<image001.jpg>

From: Falvo, Nicholas
Sent: Wednesday, June 21, 2017 5:34 PM
To: Stalcup, Dana <Stalcup.Dana@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>; Morey, Debra <Morey.Debi@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Avvisato, Frank <Avvisato.Frank@epa.gov>
Cc: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Subject: CURRENT DRAFT

From NICK:

Ex. 5 - Deliberative Process

From KELL:

Ex. 5 - Deliberative Process

As you read this, I hope you will ask two things 1) **Ex. 5 - Deliberative Process**
and 2) **Ex. 5 - Deliberative Process**

Thanks to all of you for your hard work and professionalism. We will get this finished and then the real work will begin.

Nicholas Falvo

Special Assistant to the Senior Advisor

Environmental Protection Agency

Office of the Administrator

Falvo.Nicholas@epa.gov

Office: (202) 564-5075

Cell: Ex. 6 - Personal Privacy

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Flynn, Mike
Sent: Fri 7/7/2017 2:24:05 AM
Subject: Fwd: Revised Agenda for July 18 ECOS/EPA Leadership Meeting
July 18 EPA ECOS Leadership Agenda 7 5 17.docx
ATT00001.htm

Latest draft of the ECOS state-EPA meeting...,still evolving.

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564- 4711

Sent from my iPhone

Begin forwarded message:

From: Alexandra Dapolito Dunn <adunn@ecos.org>
Date: July 5, 2017 at 4:41:46 PM EDT
To: "Richardson, RobinH" <richardson.robinh@epa.gov>, "Flynn, Mike" <flynn.mike@epa.gov>, "Barbery, Andrea" <Barbery.Andrea@epa.gov>, Hanson Carolyn <chanson@ecos.org>
Subject: Revised Agenda for July 18 ECOS/EPA Leadership Meeting

Changes we discussed this am in yellow.
Best, Alex

Alexandra Dapolito Dunn, Esq.

Executive Director & General Counsel

Environmental Council of the States

50 F Street, NW, Suite 350

Washington, DC 20001

202-266-4929 (T); 202-230-4247 (C);202-266-4937 (F)

adunn@ecos.org; Twitter @ECOSates

See my research: <http://ssrn.com/author=1356207>

Save the Date! ECOS' State Environmental Protection (STEP) Meeting, 7/17/17,
Washington, DC, www.ecos.org

